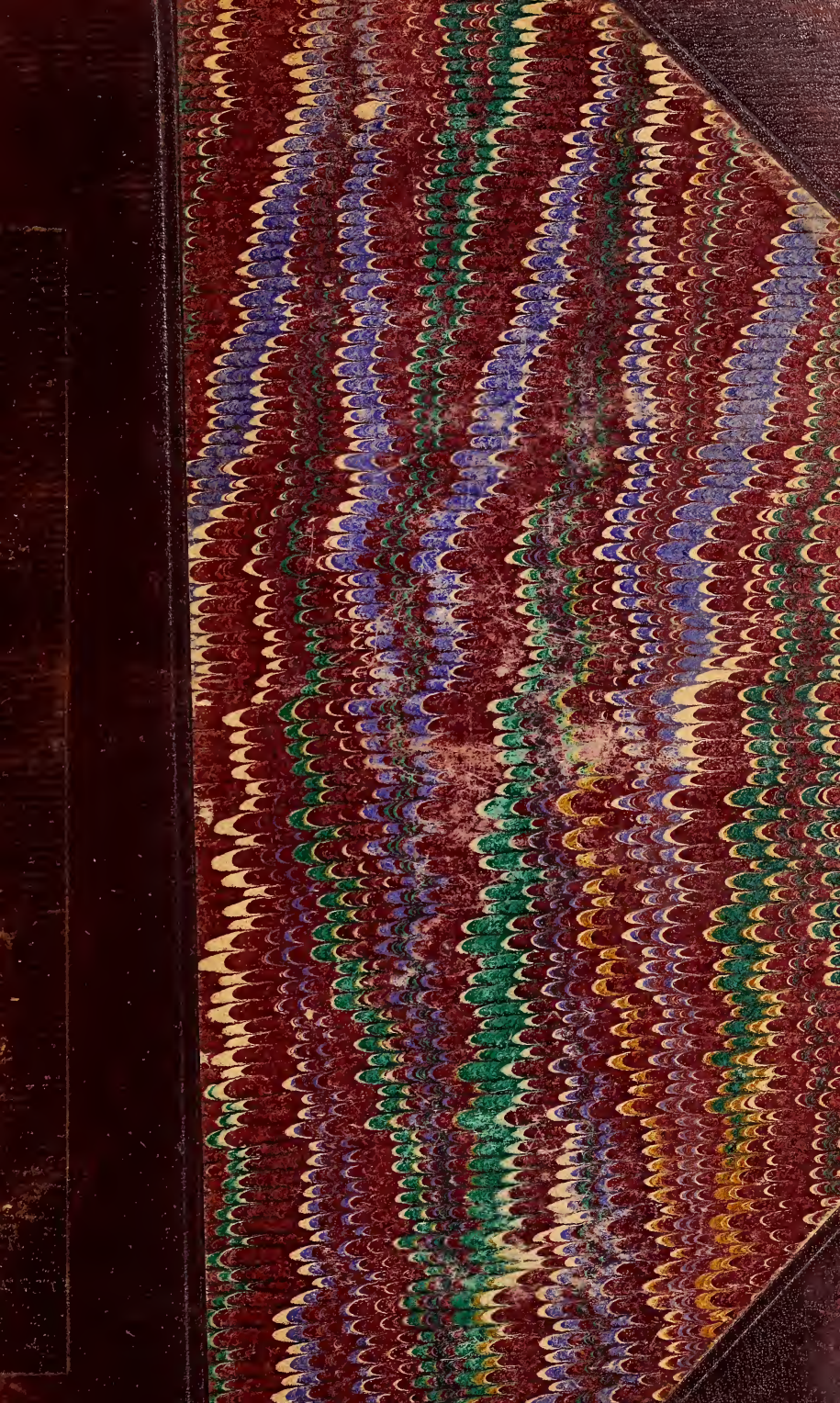


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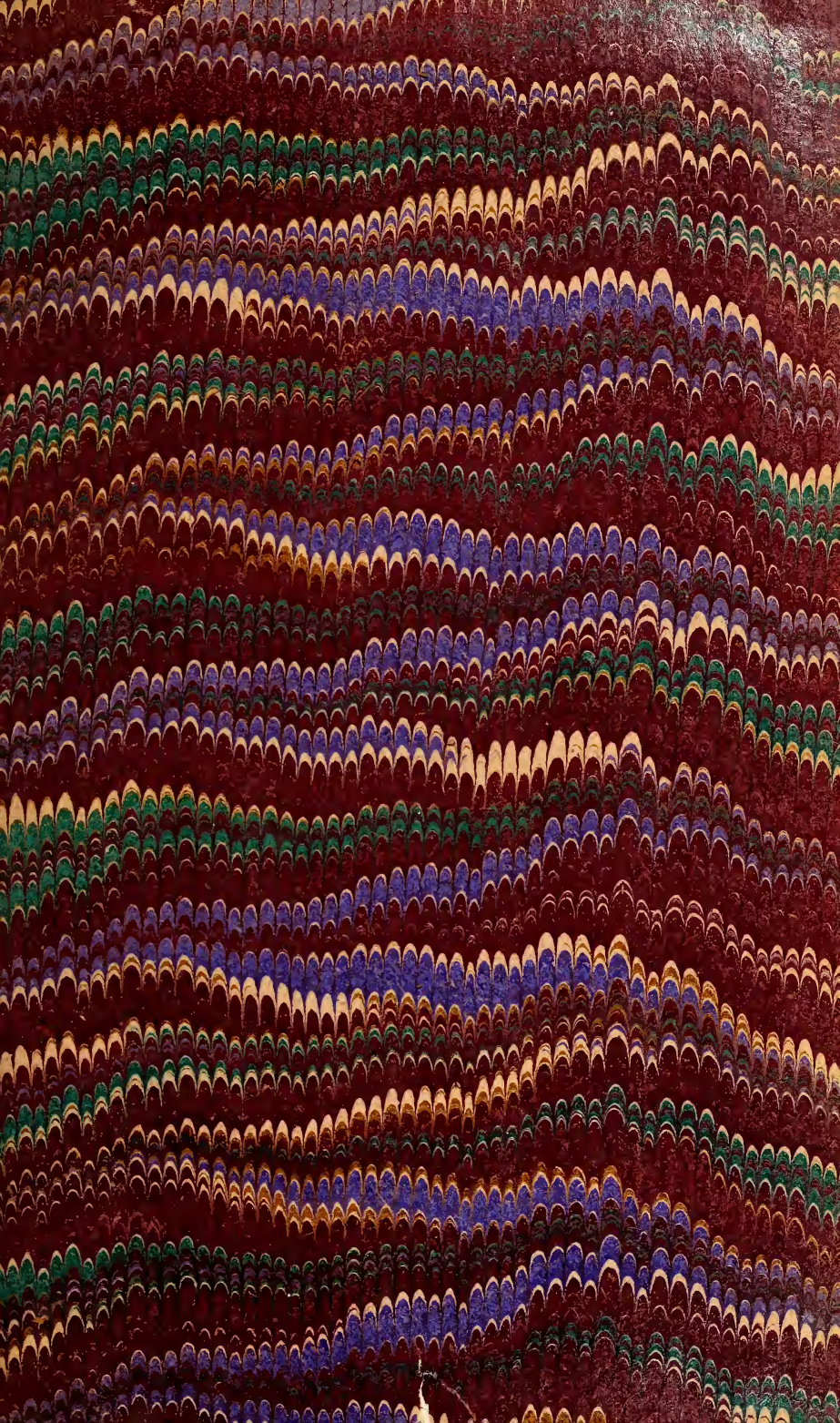
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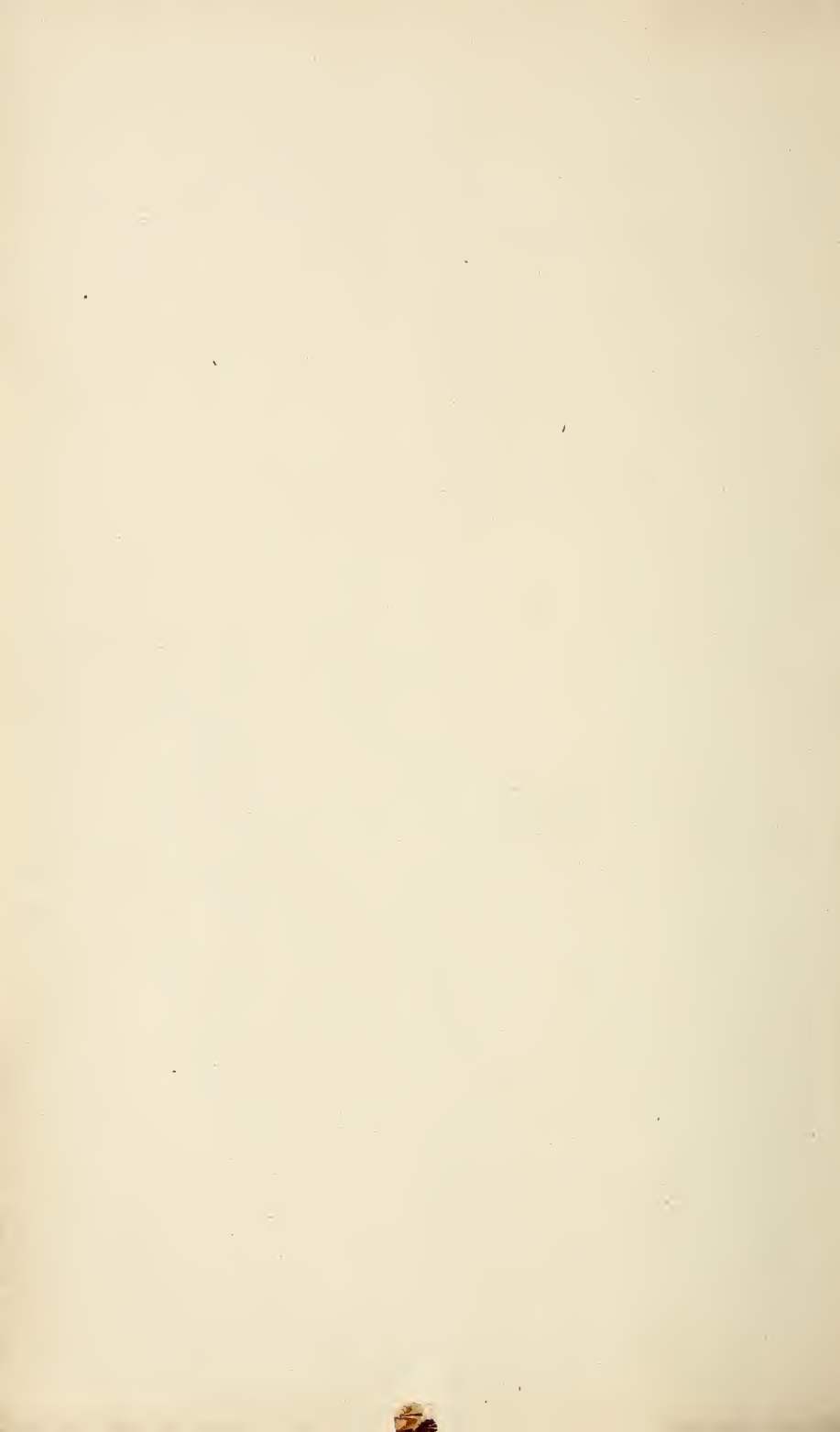
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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1501.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On May 8, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ernest Silvestri, late of the district aforesaid, engaged in business under the name of The Oil Importing Co., alleging shipment by him, in violation of the Food and Drugs Act, on or about August 10 and August 14, 1909, from the State of Ohio into the State of Missouri of consignments of olive oil which were adulterated and misbranded. The product in both consignments was labeled: "Extra Fine Olive Oil Lucca, Italy. Olio D'Oliva Torricelli Brand Marca Depositata."

Analysis by the Bureau of Chemistry of this Department showed the following results: (I. S. No. 15219-b) Halphen test for cottonseed oil, positive; comparing this oil with mixtures of known composition, I should judge that there was about 6 per cent cottonseed oil in this sample; iodine number of oil, 97.09. (I. S. No. 11245-b) Halphen test, positive; iodine number, 97.20; refractive index at 29° C., 1.4680; the iodine number and refractive index show that from 35 per cent to 45 per cent of cottonseed oil is present in this sample. The information alleged that the product was adulterated for the reason that it contained a substantial quantity of cottonseed oil so mixed and packed with olive oil as to reduce and lower and injuriously affect the quality and strength of the said olive oil, for which it had been substituted in part, and was misbranded for the reason that the label attached to the original package containing the product was false, misleading, and deceptive, in that it would deceive and mislead the purchaser to believe that the said article and product was an extra fine olive oil of Torricelli brand made in Lucca, Italy, whereas in truth and in fact the product was a mixture of olive and cottonseed oils of domestic manufacture. Counts 1 and 2

of the information charged adulteration and misbranding respectively as to the shipment made August 10, 1909, and counts 3 and 4 charged adulteration and misbranding respectively as to the shipment made August 14, 1909.

On October 13, 1911, the defendant entered a plea of guilty as to the first count of the information and was sentenced to pay a fine of \$25 and costs. Nolle prosequi was entered as to the remaining counts.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

1501



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1502.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MAPLE SUGAR.

On April 4, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard Syrup Co., late of the district aforesaid, alleging—

(1) Shipment by said company, in violation of the Food and Drugs Act, on or about May 18, 1910, from the State of Ohio into the State of Michigan of a consignment of maple sugar which was adulterated and misbranded. The product was branded on box: "Maple Sugar. The Standard Syrup Co., Cleveland, O."

Examination by the Bureau of Chemistry of this Department showed the following results: (I. S. No. 20002-b) "Total ash, 0.18 per cent; soluble ash, 0.12 per cent; insoluble ash, 0.06 per cent; lead number, 0.29; when calculated to a water free basis." The information alleged that the product was adulterated for the reason that it was composed in part of cane sugar which cane sugar had theretofore been substituted in part for maple sugar and was misbranded for the reason that the label on the product would mislead and deceive the purchaser into believing that said product was maple sugar, whereas in fact it was not maple sugar but an imitation of maple sugar made from cane sugar and flavored with a small amount of maple sugar.

(2) Shipment by said company, in violation of the Food and Drugs Act, on or about May 19, 1910, from the State of Ohio into the State of Michigan of a consignment of maple sugar which was adulterated and misbranded. The product was branded on the box: "Northern Ohio Sugar. Mfg. by Standard Syrup Co., Cleveland, O."

Examination by the Bureau of Chemistry of this Department showed the following results: (I. S. No. 20001-b) "Total ash, 0.09

per cent; insoluble ash, 0.03 per cent; Winton lead number, 0.36. The figures reported are for the moisture free basis. Analysis shows the product to contain little or no maple sugar." The information alleged that the product was adulterated for the reason that it consisted and was composed of a brown colored brick sugar, resembling and imitating maple sugar in color and appearance, the said imitation maple sugar being substituted wholly or in part for true maple sugar. Misbranding was alleged on the ground that by means of the label the purchaser of said product would be led and deceived to believe that it was maple sugar, whereas in fact it was a brown colored brick sugar, resembling and imitating maple sugar in color and appearance, but containing little, if any, maple sugar. Counts 1 and 2 of the information charged adulteration and misbranding respectively as to the shipment of May 18, 1910, and counts 3 and 4 charged adulteration and misbranding respectively as to the shipment made May 19, 1910.

On December 2, 1911, the defendant company entered a plea of nolo contendere as to the first and second counts of the information, and thereupon the court imposed a fine of \$25 and costs. Nolle prosequi entered as to the remaining counts.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

1502



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1503.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On May 5, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Youngstown Macaroni Co., late of the district aforesaid, alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 16, July 18, and August 5, 1910, from the State of Ohio into the State of Pennsylvania of three consignments of macaroni which were misbranded. The product was labeled: "Grand Pastificio Elettrigo Stella Doro Produzione Mille Casse Al Giorno Ditalini Extra Fine. U.S. Serial No. 6170. Guaranteed under the Food and Drugs Act, June 30, 1906. Youngstown Macaroni Co., Youngstown, Ohio."

Examination by the Bureau of Chemistry of this Department showed the following results: "Test for artificial color, negative." Misbranding was alleged in the information for the reason that the labels which were attached to the original packages were false and misleading, in that the general style and appearance of the said labels would deceive the purchaser into the belief that the product was manufactured and imported from the Kingdom of Italy, whereas in truth and in fact same was manufactured in the United States of America.

On November 24, 1911, a plea of guilty was entered by the defendant and the court imposed a fine of \$5 and costs, suspending sentence during good behavior.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1504.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MARASCHINO CHERRIES.

On October 4, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sylvester Liebenthal and Melville Liebenthal, doing business under the firm name of Liebenthal Bros. & Co., Cleveland, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on August 15, 1910, from the State of Ohio into the State of Missouri of a consignment of maraschino cherries, which was misbranded. The product was labeled: "Merbell Brand Maraschino Cherries Artificially colored and preserved with 1.30 of 1 % Sulphur Dioxide. Packed for Kansas City Wholesale Grocery Co., Kansas City, Mo."

Examination by the Bureau of Chemistry showed the following results: "Alcohol, 0.16 per cent; solids, 38.55 per cent; polarization direct at 20° C., -3.8° V., polarization invert at 20° C., -3.9° V. The product is artificially colored with Ponceau 3 R, a coal-tar dye. The flavor of the product resembles that of bitter almonds and has no resemblance to maraschino." Misbranding was alleged in the information on the ground that the label was false and misleading, in that it represented that the article contained in the package in question was genuine maraschino cherries, whereas in truth and in fact the said article was not maraschino cherries but an imitation of them.

On December 2, 1911, defendants entered a plea of guilty and were fined \$50 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

42417°—No. 1504—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1505.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF DAMIANA.

On October 4, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sylvester Liebenthal and Melville Liebenthal, doing business under the firm name of Liebenthal Bros. & Co., Cleveland, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on or about June 13, 1910, from the State of Ohio into the State of Pennsylvania of a consignment of a certain article of food which was misbranded. The product was labeled: "Damiana type. Contains harmless color, pleasant dreams, happy thoughts, a delicious drink. (Suggestive picture of woman) Touches the spot. Makes you smile."

Examination by the Bureau of Chemistry of this Department showed the following results: "It is a pinkish colored liquid containing 24.77 per cent alcohol by volume; 29.64 per cent non volatile material consisting of 25.63 per cent sugar, 0.18 per cent ash; extract of hydrastis, vegetable dye, flavored with cassia and bitter almond oils present. The balance of the product is water. The presence of damiana was not detected." Misbranding was alleged in the information on the ground that the label on said article, as above set forth, was false and misleading, in that it represented and would lead the purchaser to believe that the article contained damiana, whereas in truth and in fact it did not contain damiana, and for the further reason that the label failed to bear a statement of the quantity or proportion of alcohol contained therein, when in fact alcohol was present in said article.

On December 2, 1911, defendants entered a plea of guilty and the court imposed a fine of \$50 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1506.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On or about October 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of confectionery, each containing approximately 25 pounds of candy, remaining unsold in the original unbroken packages and in possession of the Kroeger, Amos, James Grocer Co. (Inc.), St. Louis, Mo., alleging that the product had been transported from the State of Indiana into the State of Missouri, date of shipment not shown, in violation of the Food and Drugs Act. Each case was labeled: "Dilling's Dutch Hay Candy," and also bore shipping tags with the names and addresses of the consignees and consignor.

Examination by the Bureau of Chemistry of this Department showed the following results: Resins present on upper surface in relatively large amounts. Coating from 210 grams examined for arsenic. This coating weighed 12 grams and contained by the Gutzeit test 0.025 milligram arsenic as arsenious oxide. Adulteration was alleged in the libel for the reason that the product was coated with shellac that contained arsenic, thereby rendering it injurious, deleterious, and detrimental to health.

On January 8, 1912, the claimant herein, Dilling & Co., making no further appearance in this cause and electing to stand on the plea in abatement heretofore filed by them, which plea was denied and demurrer thereto sustained by the court, to which ruling of the court claimant is allowed an exception as of that date, judgment of condemnation and forfeiture was entered and it was decreed that the product be destroyed and that the costs of the proceeding be paid by Dilling & Co., Indianapolis, Ind.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1507.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF RALSTON SELECT BRAN AND DIABETIC FLOUR.

On November 28, 1910, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Acme Mills Co., a corporation, Portland, Oreg., alleging—

(1) Shipment by said company, in violation of the Food and Drugs Act, on or about February 10, 1910, from the State of Oregon into the State of Washington of a consignment of 15 cases of a food product known as "Ralston Select Bran," which was misbranded. The product was labeled: "Ralston Select Bran Pure and Clean. Manufactured by Acme Mills Co., Portland, Oregon. The Acme Mills Co. are the only authorized manufacturers for the Pacific Coast of Ralston Health Breakfast Foods. Ralston Select Bran. Prepared as a beverage it is the most refreshing drink that ever passed human lips. It can be drank hot or cold, with or without lemon. The phosphorus contained in the bran is vitally necessary for the development and vigor of the human frame. Ralston Select Bran makes, therefore, the best drink for children, invalids and nursing mothers. The drain on the system is replenished by the phosphatic nourishment contained in this simple but wonderful beverage. It aids digestion, cures torpidity of the liver, gives tone and color to the complexion, brightness to the eye, and is both nerve and brain food. Persons who are fatigued, shop girls, care worn mothers, this is the drink for you. Let anyone whose brain is tired take a glassful of Bran Tea with or without lemon and the result will be surprising."

Examination by the Bureau of Chemistry of this Department showed the following results:

	Per cent.
Total phosphoric acid in bran-----	3.22
Phosphoric acid left in bran after preparing the bran tea----	2.76
Phosphoric acid removed in tea-----	.46
(Equivalent to removing 14.3 per cent of total phosphoric acid in the bran.)	
Phosphoric acid in the bran tea-----	.086

43003°—No. 1507—12

Misbranding of the product was alleged in the information for the reason that the label or brand upon each of the packages or cartons of the product was misleading and calculated and intended to deceive purchasers and intending purchasers thereof because, as a matter of fact, the phosphorus alleged to have been contained in the said food product was not vitally necessary for the development and vigor of the human frame. Furthermore, the said label and brand purported and represented that the product contained and had some special properties not common to ordinary bran, when in truth and in fact it was nothing more than ordinary bran of good quality, containing about 8 per cent of phosphoric acid, six-sevenths of which was removed in the process of making tea from said bran. Misbranding was further alleged in that the statements contained upon the label and brand, "It aids digestion, cures torpidity of the liver, gives tone and color to the complexion, brightness to the eye, and is both a nerve and brain food", were false and misleading and deceive the purchaser, because in truth and in fact the said product was not an aid to digestion and had no properties or virtues in that direction; it had no power or virtue whatever to effect a cure or aid in the cure of a torpid liver, and the amount of nutriment contained therein was insufficient to affect in any wise the tone or color of the complexion or to affect in any manner the brightness of the eye; and further, the statement contained in the label that the product was both a nerve and brain food, was misleading and deceptive in that it conveyed the idea and impression that the product acted specifically as a food for the nerves and brain, whereas in truth and in fact it did not and possessed no particular property or virtue whatever as a food for these organs and had no virtues or properties beyond those contained in ordinary bran.

(2) Sale by said company under a guaranty and delivery for shipment from the State of Oregon into the State of Idaho, on or about April 5, 1910, in violation of the Food and Drugs Act, of 9 sacks containing about 10 pounds each of a product known as "Diabetic Flour", which was misbranded. The product was branded and labeled: "Acme Mills Co. Diabetic Flour Milled by special Process to preserve gluten properties of wheat. Portland, Or. Tacoma, Wash. Lamar, Wash. Acme Diabetic Flour."

Examination by the Bureau of Chemistry of this Department showed the following results:

	Per cent.
Moisture -----	9.37
Ash -----	1.12
Ether extract -----	1.87
Nitrogen -----	1.50
Protein (N×6.25) -----	9.38
Crude fiber -----	0.77
Carbohydrates, excluding crude fiber (acid conversion) -----	71.4
Microscopical examination shows only wheat starch.	

Misbranding was alleged in the information for the reason that the statements upon the label and brand were false and misleading, being calculated and intended to represent to intending purchasers of the alleged "Acme Diabetic Flour" that gluten was the principal ingredient and constituent thereof, when in truth and in fact the product contained a very small percentage of gluten and nitrogenous matter and did not contain more gluten than is found in ordinary whole wheat flour, and did not have a greater diabetic value than whole wheat flour; that said label and brand was false and misleading in that the sacks having the same thereon purported to contain a food product designed for the use of those afflicted with diabetes and other diseases in which the use of food products containing large quantities of starch is dangerous, and said label and brand was calculated to and would mislead and deceive intending purchasers thereof into the belief that the product contained therein was especially adapted as a food for persons suffering with diabetes, and that said flour would prove beneficial as an article of diet by persons suffering from said disease, when in truth and in fact said product was not specially or at all adapted as an article of diet for persons suffering from diabetes and would not prove beneficial or useful as an article of diet in said disease, but would be apt to prove harmful and injurious if used by persons suffering with said disease, and said label and brand was also false and misleading in that the same purported and represented that the alleged diabetic flour contained a very small quantity or no starch, when in truth and in fact one of the principal ingredients of the same was starch.

On May 17, 1911, the case having been brought to trial by a jury, a verdict of guilty was returned against the defendant company. On May 24, 1911, motion for new trial was filed on behalf of defendant and overruled December 26, 1911. On February 12, 1912, the court imposed a fine of \$50 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 30, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1508.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

At the May term of the District Court of the United States for the District of Indiana the grand jurors of the United States within and for said district, acting upon a report from the Secretary of Agriculture, returned an indictment against John Lotshaw, late of said district, charging shipment by him, in violation of the Food and Drugs Act, on June 9, 1910, from the State of Indiana into the State of Ohio, of a can containing milk which was adulterated. Adulteration was charged in the indictment for the reason that the milk contained in said can consisted in part of a filthy, putrid, and decomposed animal substance.

On December 4, 1911, the case having been brought to trial by jury a verdict of guilty was returned against the defendant, and he was sentenced by the court to pay a fine of \$25 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 30, 1912.*

43003°—No. 1508—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1509.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

At the November term of the District Court of the United States for the District of Indiana the grand jurors of the United States within and for said district returned an indictment against the English Canning & Manufacturing Co. (Inc.), English, Ind., charging shipment by it, in violation of the Food and Drugs Act, on September 28, 1910, from the State of Indiana into the State of Kentucky of a quantity of a product called tomato pulp which was adulterated. The product was consigned to the Price & Lucas Cider & Vinegar Co., Louisville, Ky.

Analysis of the product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 42 per one-sixtieth cmm.; bacteria, 124,000,000 per c. c.; mold filaments in 58 per cent of fields; which indicates the product contained decayed material. Adulteration was charged in the indictment for the reason that the product consisted in part of a filthy, putrid, and decomposed vegetable substance.

On November 21, 1911, a plea of guilty was entered by the defendant company and the court imposed a fine of \$100 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 30, 1912.*

43003°—No. 1509—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1510.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CATSUP.

On February 8, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the said district an information against the American Preserve Co., a corporation, Philadelphia, Pa., alleging shipment by it, in violation of the Food and Drugs Act, on or about October 19, 1910, from the State of Pennsylvania into the State of Maryland of a consignment of five barrels of catsup which was adulterated and misbranded. The product was branded: "Oriole brand catsup. Ingredients tomato pulp, sugar, vinegar, onions, salt, spices, cereals. Prepared with one-tenth of 1% benzoate soda. The American Preserve Co., Phila., Pa."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores 50 per one-sixtieth cmm; bacteria estimated at 300,000,000 per cc; mold filaments in 95 per cent of the fields; sand particles numerous. Adulteration was alleged in the information for the reason that the product consisted in part of a filthy and decomposed vegetable substance. Misbranding was alleged for the reason that the label and brand upon the product was calculated and adapted to lead the purchaser thereof to believe that the product was a tomato catsup, and as such conformed to the commercial standard for such article, that is to say, was a clean, sound product made from the properly prepared pulp of clean, sound, fresh, ripe tomatoes, with spices, and with or without the permitted preservatives, whereas, in truth and in fact, it was not made as described, but was an inferior, unclean, and unsound product, consisting in part of a filthy and decomposed vegetable substance.

On March 12, 1912, the defendant company entered a plea of guilty and was sentenced to pay a fine of \$25 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 30, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1511.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF ORANGE CURAÇAO, CRÈME DE MENTHE, PALMETTO JAMAICA RUM; AND ADULTERATION AND MISBRANDING OF MARASCHINO.

At the November term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, acting upon reports by the Secretary of Agriculture, returned an indictment against E. G. Lyons & Raas Co., a corporation, San Francisco, Cal., charging shipment by it, in violation of the Food and Drugs Act—

(1) On March 2, 1910, from the State of California into the State of Utah, of a consignment of one case of so-called Orange Curaçao, which was misbranded. Each of the bottles containing the product in said cases was labeled in part: "Royaume des Pays-Bas Je Maintiendrai Fyne Likeuren Dubb Orange Curaçao E. Dubreuil & Fils, New York, San Francisco, Paris." Examination by the Bureau of Chemistry of this Department showed the product to be of domestic manufacture.

(2) On February 14, 1910, from the State of California into the State of Arizona of a consignment of five cases of so-called Crème de Menthe which was misbranded. Each of the bottles containing the product in said cases was labeled in part: "Crème de Menthe Artificially Colored." "Extra Superfine. Liqueurs E. Dubreuil & Fils. Guaranteed under Serial Number 1670" "These liqueurs are prepared with the finest ingredients obtainable and are guaranteed to conform strictly with the National Pure Food Law under the Act of June 30th, 1906." Examination by the Bureau of Chemistry of this Department showed the product to be of domestic manufacture.

Misbranding was alleged in the indictment as to shipments (1) and (2) for the reasons that the labels on the products were false and misleading in that said labels and the impressions and words thereon gave and would give to the purchaser thereof the impression and were calculated to deceive and mislead the purchaser into the belief

that the same were foreign products, and through said labels and the impressions and words thereon, they purported to be foreign products, whereas in truth and in fact they were not and are not foreign products, but domestic products and are manufactured within the United States.

(3) On April 19, 1910, from the State of California into the State of Colorado of a consignment of three cases of so-called Palmetto Jamaica Rum, which was misbranded. Each of the bottles in the three cases containing the product was labeled: "Extra Old Reserve" "Type of Palmetto Jamaica Rum Blend John Tyndal & Co. Brand Compounded with Pure Distillate Guaranteed under serial Number 5408". Examination by the Bureau of Chemistry of this Department showed the product to be a compound of spirits with a rum flavor and with none of the characteristics of Jamaica Rum. Misbranding was alleged in the indictment for the reason that the words "type of", "blend", "brand", and "compound of pure distillate" were in small type and placed in such a position on the label as not to be readily observed, thereby giving to the purchaser the impression that the contents of said bottle were Palmetto Jamaica Rum and manufactured by John Tyndall & Co., and for the further reason that the label was calculated to deceive and mislead the purchaser into the belief that the product was Palmetto Jamaica Rum, and manufactured by John Tyndall & Co., whereas in truth and in fact it was not manufactured by John Tyndall & Co., and was not Palmetto Jamaica Rum or a blend thereof, but was a compound of spirits with a rum flavor and had none of the characteristics of Palmetto Jamaica Rum or of Jamaica Rum.

(4) On or about April 19, 1910, from the State of California (into the State of Colorado) of a consignment of three cases of so-called maraschino, which was adulterated and misbranded. Each of the bottles in the three cases containing the product was labeled: "Maraschino E. Dubreuil & Fils Guaranteed under Serial Number 16701." Examination by the Bureau of Chemistry of this Department showed the product to be of domestic origin, with a decided taste of bitter almonds, and having none of the characteristics of maraschino, such as is produced in Zara, Dalmatia. Adulteration was alleged in the indictment for the reason that an imitation maraschino had been substituted wholly or in part for the genuine maraschino, and that the contents of each of said bottles was a liqueur with a decided taste of bitter almonds and having none of the characteristics of genuine maraschino. Misbranding was alleged for the reason that the label and the impression thereon and the grass cover were false and misleading in that they gave and would give to the purchaser thereof the impression, and were calculated to deceive and mislead the purchaser

into the belief that the product was a foreign product of genuine maraschino, and through said label and the impression and words thereon and the said grass cover did purport to be a foreign product, whereas in truth and in fact it was not and is not a foreign product, but is a domestic product and manufactured within the United States and is an imitation maraschino, having a decided taste of bitter almonds and having none of the characteristics of genuine maraschino.

On January 20, 1912, the defendant corporation entered a plea of guilty and was sentenced to pay a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 2, 1912.*

1511

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1512.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONFECTIONERY—WHIPPED CREAM MAPLE.

On January 26, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Central Candy Co., Chicago, Ill., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about October 24, 1910, from the State of Illinois into the State of Minnesota, to Butler Bros., Minneapolis, Minn., of a consignment of 15 boxes of confectionery, known as Whipped Cream Maple, two boxes of which were reshipped in the original unbroken packages on or about November 3, 1910, by Butler Bros. from the State of Minnesota into the State of Washington, and which were misbranded. The product was labeled: "Atlanta Whipped Cream Maple (Comp.) Guaranteed by Butler Brothers under the Food & Drugs Act, June 30, 1906."

Examination by the Bureau of Chemistry of this Department showed the following results:

Examination of interior of chocolate coated candy.

Total ash (per cent).....	0.17
Insoluble ash (per cent).....	.03
Soluble ash (per cent).....	.14
Lead number.....	.25
Direct polarization at 20° C.....°V	113.4
Invert polarization at 20° C.....°V	104.5
Invert polarization at 87° C. corrected for expansion.....°V	106.8
Sucrose, Clerget (per cent).....	6.60
Total sugars as invert (per cent).....	15.92
Reducing sugars as dextrose (per cent).....	8.59
Polarization due to sugar.....°V	13.5
Polarization due to dextrin.....°V	99.9
Dextrin (per cent).....	38.46

The sample has no flavor and there is no evidence of the presence of any appreciable amount of maple sugar. Dextrin shown to be present by both alcohol and iodine tests.

Misbranding was alleged in the information upon the ground that the label on the boxes of confectionery purported to state that said product was a whipped cream compounded with other ingredients, the exact nature of which was unknown, flavored with genuine maple syrup, whereas in truth and in fact the confection aforesaid did not contain any genuine maple syrup.

On February 16, 1912, a plea of guilty was entered by the defendant company and on February 27, 1912, the court imposed a fine of \$100 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 2, 1912.*

1512



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1513.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On August 1, 1911, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chris. Deterding, alias C. Deterding, Formosa, Ill., charging shipment by him, in violation of the Food and Drugs Act, on April 22 and May 1, 1911, from the State of Illinois into the State of Missouri of a quantity of milk which was adulterated. Adulteration was charged in the information for the reason that the product had been watered, that is to say, had water packed and mixed with it and contained an excess of water, which reduced and lowered its strength and quality.

On January 5, 1912, the defendant entered a plea of guilty and was fined \$100 and costs. (Second offense.)

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 3, 1912.*

44650°—No. 1513—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1514.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF GLUTEN PASTE.

On April 28, 1911, the United States Attorney for the Southern District of New York, acting upon a report from the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Parodi, Erminio & Co., a corporation, New York, N. Y., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 9, 1909, from the State of New York into the State of Colorado of a consignment of gluten paste which was adulterated and misbranded. The product was labeled: "Trade Mark Societa Pastificio Tommasini Milano Italy Cream Gluten Paste Made Expressly for United States and Canada."

Examination by the Bureau of Chemistry of this Department showed the following results: "Nitrogen, 1.93 per cent; protein ($N \times 6.25$), 12.06 per cent; total ash, 0.56 per cent. Microscopical examination shows the substance to be a product prepared from wheat flour." Adulteration of the product was alleged in the information for the reason that there was substituted in part for gluten paste a considerable quantity of wheat flour. Misbranding was charged for the reason that the label upon the package in which the foregoing product was shipped, regarding its contents, was false and misleading and likely to deceive and mislead the purchaser, in that said food was not gluten paste, but a product consisting chiefly of wheat flour.

On February 19, 1912, the company entered a plea of guilty to the information and the court imposed a fine of \$25.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 3, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1515.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

At the January term of the Supreme Court of the District of Columbia, the grand jurors of the United States within and for said district, acting upon a report by the health officer of the District of Columbia, who was authorized to make such report by the Secretary of Agriculture, returned an indictment against Richard D. Hawkins, Boyds, Md., charging shipment by him, in violation of the Food and Drugs Act, on June 7, 1911, from the State of Virginia into the District of Columbia, of a quantity of milk which was adulterated, and the sale and delivery at the Union Station, Washington, D. C., of such product. As the analysis of the product by the health office of the District of Columbia showed that same was adulterated within the meaning of the Food and Drugs Act, defendant was afforded an opportunity to present to the health office evidence showing any fault or error in the findings of the analyst, but failed to avail himself of the same. The indictment against him was had and adulteration was charged therein for the reason that the product was mixed and packed with a substance, to wit, water, which reduced and lowered its quality.

On March 22, 1912, defendant entered a plea of guilty to the indictment, and a fine of \$30 was imposed by the court.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 3, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1516.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On September 29, 1911, and March 7, 1912, Joseph W. Cordell, of Lander, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. The health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused samples from the above deliveries to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated, the said Joseph W. Cordell was afforded an opportunity to present to the health officer evidence showing any fault or error in the findings of the analyst, but failed to avail himself of the same, and the facts were reported to the United States Attorney for the District of Columbia.

On March 20, 1912, informations were filed against the defendant Cordell, charging that in each delivery the product was adulterated and that a valuable constituent thereof, to wit, butter fat, was left out and abstracted in whole or in part, and on the same day the defendant entered a plea of guilty to both informations and a fine of \$5 in each case was imposed by the court.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 4, 1912.*

44650°—No. 1516—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1517.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On March 7, 1912, Walter D. Stockman, of Lander, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. The health officer of the District of Columbia, acting under the authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated, the said Walter D. Stockman was afforded an opportunity to present to the health officer evidence showing any fault or error in the findings of the analyst, but failed to avail himself of the same, and the facts were reported to the United States Attorney for the District of Columbia.

On March 20, 1912, an information was filed against said Stockman, charging that the product was adulterated in that a valuable constituent thereof, to wit, butter fat, was left out and abstracted in whole or in part, and on the same day the defendant entered a plea of guilty and a fine of \$5 was imposed by the court.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 4, 1912.*

44650°—No. 1517—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1518.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CONFECTIONERY.

On or about October 27, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases each containing 25 pounds of confectionery, remaining unsold in the original unbroken packages, and in the possession of Nicholas Scharff & Sons Grocer Co., St. Louis, Mo., alleging that the product had been transported, on or about October 7, 1911, from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Each case was branded "Dutch Hay Candy Dillings," and also bore shipping tag labeled as follows: "N. Scharff and Sons Gro. Co., St. Louis, Mo., From Dilling & Co., Manufacturing Confectioners, Cor. Senate and South Streets, Indianapolis, Ind."

Examination by the Bureau of Chemistry of this Department showed the following results: Arsenic in coating as arsenious oxide, 0.04 milligram in 22 grams. Coating from 430 grams candy. Coating resinous. Adulteration was alleged in the libel for the reason that the product was coated with a deleterious and injurious product, to wit, shellac, or other similar resinous substance, which contained an ingredient deleterious to health, to wit, arsenic, thereby rendering said confectionery injurious, deleterious, and detrimental to health.

On January 8, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that 24 cases of the product that had been seized should be destroyed by the United States marshal, and that the costs of the proceedings should be paid by Dilling & Co., the claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 6, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1519.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 14, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 boxes of cheese which each contained one cheese, remaining unsold and in the original unbroken packages, and in the possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped, on or about August 30, 1911, by S. J. Stevens & Co., Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese, Registered S. J. Stevens & Co., Cincinnati, O.," and there was also a penciled figure on each box indicating the net weight thereof, according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 2,674 pounds, and the contents of only 13 of the boxes weighed the amount indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following results: 125 cheeses weighed by inspector gave: Sum of marked weights, 2,674 pounds; sum of actual weights, 2,563 pounds; shortage, 111 pounds; shortage, 4.2 per cent. Misbranding was alleged in the libel for the reason that the actual weight of the cheese contained in the boxes was less than the weight indicated on the outside of them, and the contents, stated in terms of weight or measure, were therefore not plainly and correctly stated, and for the further reason that the branding on each of the boxes of the product was misleading, in that there was nothing therein to indicate that the actual net weight was less than the weight given.

On January 26, 1912, judgment of condemnation and forfeiture was entered, and after payment of the costs of the proceeding by the

Waxelbaum Produce Co., Macon, Ga., and the presentation of a bond by said company, in conformity with section 10 of the Act, fixed by the court at \$2,000, the product was ordered released to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 6, 1912.*

1519



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1520.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF OLIVE OIL.

On or about July 31, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against William P. Bernagozzi, New York, N. Y., alleging shipment by him, in violation of the Food and Drugs Act, on or about April 9, 1910, from the State of New York into the State of Missouri, of a consignment of olive oil which was misbranded. The product was labeled: "Olio Sporoffino Madonna Brand." "Olio Finissimo. The contents of this can constitute a compound of olive oil with high grade cotton seed oil in compliance with the pure food law."

Examination by the Bureau of Chemistry of this Department showed the following results:

Specific gravity at 15.6° C.....	0.9222
Index of refraction at 25° C.....	1.4710
Iodin number.....	110.2
Halphen test.....	Strongly positive.
Sesame oil test.....	Negative.
Nitric acid test for cottonseed oil, etc.....	Positive.

Misbranding was alleged in the information for the reason that the product was labeled so as to deceive and mislead the purchaser or purchasers, and the package, container, and label of said article bore a statement regarding such article and the ingredients and substances contained therein which was false and misleading, in that the package purported to contain pure olive oil, and the statements on said package and container were so arranged as to cause the purchaser or purchasers thereof to believe that the said article consisted of pure olive oil, whereas in fact the contents thereof were not pure olive oil, but consisted chiefly of cottonseed oil.

On March 11, 1912, the defendant entered a plea of guilty and the court sentenced him to pay a fine of \$25.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 6, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1521.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF ORANGE CURAÇAO.

At the February, 1912, term of the District Court of the United States for the Southern District of New York the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said District Court an information against Basilea & Calandra, a corporation, New York, N. Y., alleging shipment by it, in violation of the Food and Drugs Act, on or about June 25, 1910, from the State of New York into the State of New Mexico, of a consignment of orange curaçao which was misbranded. The product was labeled in part as follows: "Dubb. Orange Curaçao Liqueur Royaume Des Pays-Bas. Je Maintiendrai Amsterdam Curaçao Liqueur."

Examination by the Bureau of Chemistry of this Department showed that the product differed in composition from genuine imported curaçao. Misbranding was alleged in the information for the reason that the product purported to be a foreign product, to wit, a product of Holland, when it was not so, but was in truth and in fact a domestic product.

On March 11, 1912, the defendant corporation entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 6, 1912.*

44650°—No. 1521—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1522.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On October 14, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert C. Chance, Albert Chance, and Wilmer Chance, partners, trading as R. C. Chance's Sons, Mount Holly, N. J., alleging shipment by them, in violation of the Food and Drugs Act—

(1) On or about September 12, 1910, from the State of New Jersey into the District of Columbia of a consignment of five barrels of tomato catsup which was adulterated. The product was labeled: "Spiced Catsup Compound of Tomato Pulp and Spices Preserved with Benzoate of Soda. Manufactured by R. C. Chance's Sons, Mt. Holly, N. J. 52 Preserved with about 1/5 of 1 per cent. benzoate of soda. Clyde Line, Phila. to Norfolk." (Tag Label) "For F. G. Swaine & Sons, Washington, D. C. from R. C. Chance's Sons, Mt. Holly, N. J."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 42 per one-sixtieth cmm.; bacteria, 90,000,000 per cc; mold filaments in 80 per cent of the microscopic fields, which indicate that partially decomposed stock was used in manufacturing the product. Adulteration was alleged in the information for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts and spores, bacteria, and molds.

(2) On or about October 25, 1910, from the State of New Jersey into the State of New York of a consignment of three barrels of tomato catsup which was adulterated. The product was labeled: "Bon Ton Catsup. Compound of tomato pulp, saccharine and spices. Preserved with benzoate of sodium. Man'f'd by R. C. Chance's Sons, Mt. Holly, N. J. Preserved with about 1/3 of 1% Benzoate of Sodium. Trace of coal tar coloring."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 85 per one-sixtieth cmm.; bacteria, 177,000,000 per cc; mold filaments in 81 per cent of the fields.

(3) On or about October 25, 1910, from the State of New Jersey into the State of New York of a consignment of seven barrels of tomato catsup which was adulterated. The product was labeled: "Spiced Catsup. Compound of tomato pulp, saccharine and spices. Preserved with benzoate of sodium. Man'f'd by R. C. Chance's Sons, Mt. Holly, N. J. Preserved with about 1/3 of 1% Benzoate of Sodium. Trace of coal tar coloring."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 70 per one-sixtieth cmm.; bacteria, 216,000,000 per cc; mold filaments in 82 per cent of the fields, which indicates partially decomposed materials having been used in the manufacture of products (shipments 2 and 3) and that they had been artificially colored with Ponceau 3 R.

Adulteration was alleged in the information as to shipments (2) and (3), for the reason that the product consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds, and for the further reason that the same was colored in a manner whereby its inferiority was concealed, i. e., artificially colored with Ponceau 3 R.

(4) On or about December 10, 1910, from the State of New Jersey into the State of Massachusetts of a consignment of 350 cases of tomato catsup which was adulterated. The product was labeled: "Mayflower Brand Tomato Catsup, put up expressly for C. B. Smith & Bro., Boston, Mass., Preserved with 1/10 of 1% Sodium Benzoate."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 65 per one-sixtieth cmm.; bacteria, 150,000,000 per cc; mold filaments in 75 per cent of the microscopic fields.

(5) On or about December 13, 1910, from the State of New Jersey into the State of Massachusetts of a consignment of 100 cases of tomato catsup which was adulterated. The product was labeled: "Home Brand Tomato Catsup, Made and Packed by R. C. Chance's Sons, Philadelphia, Pa., and Mount Holly, N. J. Free from all artificial coloring and pres. with 1% Sod. Benz. Is made from tomatoes, pure spices, vinegar, and sugar."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 63 per one-sixtieth cmm; bacteria, 127,000,000 per cc; mold filaments in 80 per cent of the fields, which indicates that the stock from which the product was made was in a partially decomposed condition.

Adulteration was alleged in the information as to shipments (4) and (5), for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds.

On February 13, 1912, the defendants entered a plea of non vult and a fine of \$100 was imposed by the court.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 7, 1912.*

1522

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1523.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BANANA CORDIAL.

On February 28, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia a libel for the seizure and condemnation of one keg of banana cordial remaining unsold in the original unbroken packages, purchased from Liebenthal Bros. & Co., Cleveland, Ohio, and in possession of William J. Tyson, 209 Pennsylvania Avenue Southeast, Washington, D. C., alleging that the product had been shipped, on or about August 18, 1911, from the State of Ohio into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was branded: "Cordial Banana."

Adulteration was alleged in the libel for the reason that the product was not a banana cordial nor entitled to be so called, but was an imitation banana cordial and was a preparation which had been flavored and colored and mixed by the addition of artificial flavoring and coloring matters and substances in a manner whereby inferiority was concealed and in order to imitate banana cordial, and whereby said product did imitate and appeared to be banana cordial. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label thereon signified and imported that the liquid contained therein was a banana cordial when in truth and in fact the liquid contained therein was not a banana cordial nor entitled to be so called but was an imitation banana cordial and was a compound which had been flavored and colored by the addition of artificial flavoring and coloring matter and substances.

On March 27, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 8, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1524.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about March 7, 1912, the United States Attorney for the Southern District of Illinois filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 barrels of so-called sugar vinegar remaining unsold in the original unbroken packages and in possession of Charles J. Off & Co., a corporation, Peoria, Ill., alleging that the product had been shipped, on or about September 11, 1911, by the A. Braun Manufacturing Co., St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. Upon one end of each of said barrels appeared the following brand and label: "Manufactured for Charles J. Off & Co., Peoria, Ills., 49 Sugar 49 vinegar." Adulteration was charged in the libel for the reason that the product consisted wholly or in part of distilled vinegar which had been packed and mixed in said barrels in imitation of sugar vinegar, for which it had been substituted wholly or in part, whereby inferiority was concealed. Misbranding was alleged for the reason that the barrels containing the product each had attached and fixed thereto a brand, label, and device which bore a statement regarding said article of food and the ingredients or substances contained therein which was false and misleading in that each of said brands, labels, and devices purported and declared, and in substance and in fact did declare, that each of said barrels contained an article of food known as sugar vinegar when in truth and in fact said product consisted in whole or in part of distilled vinegar made in imitation of sugar vinegar, and in that said product was an imitation of and was offered for sale under the distinctive name of sugar vinegar when in truth and in fact it was not sugar vinegar but an imitation thereof.

On March 25, 1912, the Charles J. Off & Co., claimant, Peoria, Ill., having admitted the allegations of the libel and consented to a decree of condemnation and forfeiture, such judgment was entered and it

was further ordered that upon presentation of bond in conformity with section 10 of the act, fixed by the court at \$1,000, and payment of the costs by the claimant, the 80 barrels of the product that had been seized should be released and delivered to the claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1525.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF LIGHT SKIM CHEESE.

On March 9, 1912, the United States Attorney for the District of Columbia filed in the Supreme Court of said District a libel for the seizure and condemnation of 35 boxes of light skim cheese remaining unsold and in the original unbroken packages in the possession of Armour & Co., a corporation, Center Market, Washington, D. C., alleging that the product had been transported from the State of New York into the District of Columbia, date of shipment not shown, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Sweet Clover Light Skim Cheese."

Adulteration was charged in the libel for the reason that the product was a preparation from which a valuable constituent, to wit, butter fat, had been wholly or in part abstracted or removed. Misbranding was charged for the reason that the labels of the product were exaggerated, false, and misleading, in that they signified and imported that the food contained in the boxes was a light skim cheese prepared from milk containing a large percentage of butter fat when in truth and in fact the substance contained therein was not a light skim cheese and not entitled to be so called, but was a mixture made from milk from which 75 per cent more or less of the fat originally contained therein had been abstracted or removed, and for the further reason that the said product and each and every box thereof were an imitation of and offered for sale under the distinctive name of another article of food, to wit, "Light Skim" or "Light Skim Cheese," when in truth and in fact the substance contained therein was not a light skim cheese and not entitled to be so called.

On March 28, 1912, Hunter Walton & Co., a corporation, having admitted the charges in the libel and consented to a decree of condemnation and to the payment of the costs of the proceedings, judgment of condemnation and forfeiture was entered and it was further

ordered that upon presentation of bond in conformity with section 10 of the Act, fixed by the court at \$300, the product should be released to the claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*

1525



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1526.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

On April 20, 1911, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations, severally, against each of the following named persons, within said district: Ben Evers, Sanfords town, Ky.; J. B. Alexander, Crittenden, Ky.; Henry Menke, Butler, Ky.; George Lucas, Erlanger, Ky.; H. Nostheide and John Meiman, Devon, Ky.; S. M. Hudson, G. E. Carroll, and J. F. West, Walton, Ky.; charging shipment by each, in violation of the Food and Drugs Act, on or about June 7, 1910 (except as to Henry Menke and Ben Evers, against whom was made the charge of unlawful shipment on June 8 and June 14, 1910, respectively), from the State of Kentucky into the State of Ohio of a quantity of milk which was adulterated. Adulteration was charged in each of the informations for the reason that the product contained in each shipment consisted in part of filthy and decomposed animal and vegetable substances, and contained an excessive number of bacteria, including members of the *B. coli* and *Streptococci* groups, which said bacteria were dangerous to human life and said shipments of milk were composed in part of decomposed, putrid, and fecal matter, indicating contamination, and were unfit for human use and consumption.

On October 17, 1911, each of the defendants entered a plea of guilty to the informations and the court imposed upon each of them a fine of \$25, except as to Ben Evers, upon whom a fine of \$100 was imposed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1527.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS IN SHELL.

On March 26, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel for the seizure and condemnation of 200 barrels, more or less, of oysters in shell, remaining unsold on board the sloop *Willie Clarence* and in possession of one Henry Stewart, alleging that the product had been transported from the State of Maryland into the District of Columbia, date of shipment not shown, and charging adulteration in violation of the Food and Drugs Act. Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reason the product was unfit for human consumption.

On March 27, 1912, the claimant, Henry Stewart, having filed his plea and answer consenting to a decree of condemnation and having paid the costs of the proceedings, a decree of condemnation and forfeiture was entered and it was further ordered that upon presentation of a bond, in conformity with section 10 of the Act, fixed by the court at \$150, the product should be released to the claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1528.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONDENSED MILK.

On February 20, 1912, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 56 cases of canned milk remaining unsold in the original unbroken packages, in possession of C. O. Ginrich, Centralia, Wash., alleging that the product had been shipped on or about November 3, 1911, from the State of Oregon into the State of Washington, and charging misbranding in violation of the Food and Drugs Act. Misbranding was alleged in the libel for the reason that the cases containing the product bore the following label: "Holly Brand Condensed Milk, Manufactured by Yam Hill Valley Condensed Milk Co., Amity, Oregon, contents not less than 23% solids of which 7.5% is butter fat;" whereas, in truth and in fact, said product had not been sufficiently evaporated and contained only 19.79 per cent of solid matter and 6.51 per cent of butter fat.

On March 25, 1912, claimant having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was further ordered that upon the presentation of a bond by T. M. Stevens & Co., claimants, in conformity with section 10 of the Act, fixed by the court at \$1,000, and the payment of the costs of the proceedings, the goods should be released to said claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1529.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CATSUP.

On February 4, 1910, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 19, 1910, an amended libel, for the seizure and condemnation of 14 barrels of catsup remaining unsold in the original unbroken packages and within the premises of the Mills Preserve Co.'s warehouse, New Orleans, La., alleging that the product had been shipped on or about November 24, 1909, from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each barrel of the product was branded: "Colored South Shore Compound Catsup. Packed by William Henning Co. Chicago, Ill., M. P. Co."

Adulteration was alleged in the libel for the reason that there had been mixed and packed with the product so as to reduce and lower and injuriously affect its quality and strength a large amount of pumpkin, and that pumpkin had been substituted in part for said catsup. Misbranding was alleged for the reason that the catsup was an imitation of and was offered for sale under the distinctive name of another article, to wit, catsup, whereas in truth and in fact it was not genuine catsup, but had mixed with it a quantity of pumpkin; that the label and brand were such as to deceive and mislead the purchaser, in that the said label and brand represented it to be genuine catsup, whereas in truth and in fact there was mixed with it a large amount of pumpkin, and in this manner the statement contained in said label was false and misleading.

On April 4, 1911, testimony having been heard by a jury, the court directed the jury to find a verdict in favor of the Government, and the jury thereupon rendered its verdict as follows: "We, the Jury, find the goods are both adulterated and misbranded." On the same day motion for a new trial was made on behalf of the William Henning Co., claimants, Chicago, Ill., and this motion was overruled. On May

12, 1911, judgment of condemnation and forfeiture was entered and it was further ordered that upon presentation of a bond in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released to the claimant. The case was thereafter taken to the Circuit Court of Appeals and on February 6, 1912, the judgment of the lower court was affirmed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1530.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF COGNAC BRANDY.

On January 12, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of five cases, each containing 12 quart bottles, of brandy remaining unsold in the original unbroken packages and within the premises numbered 1156 South Eleventh Street, Philadelphia, Pa., alleging that the product had been transported, on or about November 21, 1911, from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. Each bottle of the product was labeled: "Cognac Brandy, G. Mangini and Sons, Distributors, New York."

Misbranding was alleged in the libel for the reason that by virtue of the description and designation on the label the product purported to be a foreign product, to wit, a product of France, whereas in truth and in fact it was not a product of France, but had been produced in the United States of America.

On March 22, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the three cases of the product that had been seized should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1531.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF DRIED BLACKBERRIES.

On February 26, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four bags of dried blackberries, each bag being initialed "E" and containing 100 pounds of the product (received from the Palmer-Harvey Co., Baltimore, Md.), remaining unsold in the original unbroken packages and within the premises of a certain warehouse on Letitia Street, between Market and Chestnut Streets, Philadelphia, Pa., and elsewhere in said city, alleging that the product had been transported, on or about February 19, 1912, from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. Adulteration was alleged in the libel for the reason that the product consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 22, 1912, no claimant having appeared for the property, although H. Conway & Son., in whose possession the product had been found, had been cited to appear, a judgment of condemnation and forfeiture was entered, and it was ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 8, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1532.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On November 7, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the United States District Court for said district a libel for the seizure and condemnation of 900 cases, each containing 4 dozen cans, of tomato pulp remaining unsold in the original unbroken packages and in possession of the Scudders-Gale Grocer Co., a corporation, St. Louis, Mo., alleging that the product had been transported, on or about October 16, 1911, from the State of New Jersey into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Each case was labeled: "4 Doz. No. 1 Household Brand Tomato Pulp. Put up by Walter S. Baker, Bridgeton, N. J.", and each can contained in the cases was labeled: "Household Brand for Soup Tomato Pulp." (Guaranty Legend.) "Serial No. 19843. Made from tomatoes, pieces of tomatoes and tomato trimmings. Packed by Walter S. Baker, Bridgeton, N. J."

Adulteration was alleged in the libel for the reason that the product contained a large amount of bacteria, yeasts, spores, and mold filaments, and consisted in a large part, and to an injurious extent, of filthy and decomposed vegetable substances, and of decayed tomato tissue and fragments; and that said product was further adulterated, in that a substance, to wit, decayed tomato tissue and fragments, and filthy and decomposed vegetable substances had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and that said product was of a deleterious character within the meaning of the Act.

On March 19, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the 665 cases of the product that had been seized should be destroyed by the United States marshal, and that all costs of the proceedings should be taxed against the claimant, S. H. Levins & Sons.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 9, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1533.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On December 5, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district three libels for the seizure of 250, 250, and 200 cases, each case containing 4 dozen cans, of tomato pulp remaining unsold in the original unbroken packages and in possession, respectively, of the Haas-Lieber Grocery Co., a corporation; the Niese Grocer Co., a corporation; and F. Goebel & Sons, a corporation, all of St. Louis, Mo., alleging that the product had been transported, on or about November 9, 1911, from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Each case was labeled: "J. Langrall & Bro. 4 Doz. No. 1 cans Packers of the Maryland Chief Brand Tomato Pulp—Baltimore, Md.", and each of the cans contained in the cases was labeled: "Maryland Chief Brand—for Soup-Tomato Pulp—Made from tomatoes, and tomato trimmings. Contents 10 oz. or over. Packed by J. Langrall & Bro., Inc., Baltimore, Md."

Adulteration was alleged in the libels for the reason that the product contained a large amount of bacteria, yeasts, spores, and mold filaments, and consisted in a large part, and to an injurious extent, of decomposed vegetable substances, and that said product was further adulterated, in that a substance, to wit, decomposed vegetable substance, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and that said product was of a deleterious character within the meaning of the Act.

On March 19, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the 677 cases from the three consignments of the product that had been seized should be destroyed by the United States marshal, and that all the costs of the proceedings in the three cases should be taxed against J. Langrall & Bro., claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 9, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1534.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On December 11, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 840 cases, each containing two dozen bottles, of tomato catsup remaining unsold in the original unbroken packages in the possession of the Goddard Grocer Co., a corporation, St. Louis, Mo., alleging that the product had been transported, on or about November 29, 1911, from the State of New Jersey into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Each case was labeled: "Glass—Handle with care—Sweet Home Brand Tomato Catsup. Packed for the Goddard Grocer Co. St. Louis." and each of the bottles contained in the cases was labeled: "This Catsup is made of choice Tomatoes, the finest spices, onions, Distilled Vinegar, granulated sugar, salt, and prepared with $\frac{1}{10}$ of 1% Benzoate of Soda—Sweet Home Brand Tomato Catsup—Packed for The Goddard Grocer Co. St. Louis."

Adulteration was alleged in the libel for the reason that the product contained a large amount of bacteria, yeasts, spores, and mold filaments, and consisted in a large part, and to an injurious extent, of filthy and decomposed vegetable substances; and that said product was further adulterated in that a substance, to wit, filthy and decomposed vegetable substance, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and that said product is of a deleterious character within the meaning of the Act.

On March 19, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the 474 cases of the product that had been seized should be destroyed by the United States marshal, and that all the costs of the proceedings should be taxed against and paid by B. S. Ayars & Sons Co., claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 9, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1535.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CORN MEAL.

On March 12, 1910, the United States Attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 206 sacks of corn meal remaining unsold in the original unbroken packages and in the possession of the Norfolk & Southern Railway Co., alleging that the product had been shipped, on or about February 25, 1910, by the Mountain City Mill Co., all transported from the State of Tennessee into the State of North Carolina, and charging misbranding in violation of the Food and Drugs Act. One hundred sacks of said meal were labeled "96 pounds Pearl Meal." "To order notify Charles S. Wallace, New Bern, North Carolina." Eighty-five of said sacks were labeled "96 pounds Pearl Meal." "To order notify William P. Metts, New Bern, North Carolina." Twenty-one of said sacks were labeled "Mountain City Mills Pearl Meal, guaranteed under Pure Food & Drugs Act, June 30, 1906, Serial No. 4497, Chattanooga, Tennessee, bolted 96 pounds, 2 bushels, steam ground." "To order notify Carolina Brick Company, New Bern, North Carolina."

Misbranding was alleged in the libel for the reason that each of the sacks purported to contain 96 pounds, or 2 bushels, whereas in truth and in fact they contained an amount of meal very much less in number of pounds than called for on the label of such sacks, to wit, 451 pounds in the said shipment of 206 sacks.

On June 2, 1910, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of the costs of the proceedings and the execution and delivery of a bond in conformity with section 10 of the Act, the product should be released to the Mountain City Meal Co., claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 9, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1536.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CORN MEAL.

On March 31, 1910, the United States Attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 sacks of corn meal, remaining unsold in the original unbroken packages and in possession of R. E. Pipkin, Goldsboro, N. C., alleging that the product had been shipped, on or about February 15, 1910, by the Cockade City Mills Branch, Virginia Consolidated Milling Co., and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The product was labeled "Water-ground corn meal, bolted."

Adulteration was alleged in the libel for reason that each of the sacks in which the product was contained was labeled "Water-ground corn meal, bolted," sold for and represented to be pure corn meal, suitable and fit for food purposes, whereas in fact and in truth the product was in a filthy and decomposed condition, unfit and unsuitable for consumption as human food.

On June 3, 1910, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the one sack of the product that had been seized should be sold by the United States marshal after cancellation of the brand on said sack.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 10, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1537.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MACE.

On February 29, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Steinwender-Stoffregen Coffee Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about August 18, 1910, from the State of Missouri into the State of Oklahoma, of a consignment of mace which was adulterated. The box or package in which the product was shipped was labeled: "Mace Imported & Ground by Steinwender-Stoffregen Coffee Co., St. Louis, U. S. A. Yale Spices High Grade." (Stenciled on box) "6 lbs. net."

Examination by the Bureau of Chemistry of this Department showed the product to contain Bombay mace. Adulteration was alleged in the information for the reason that mace is known to the public and understood by the trade to be dried arillus of *Myristica fragrans* Houttuyn, and said product was not mace as known to the public and understood by the trade, but, on the contrary thereof, another substance, to wit, a large amount of Bombay mace or false mace, the dried arillus of *Myristica malabarica* Lamarek, which substance was and is not a true mace, but was and is worthless as a spice, and is used as an adulterant of true mace, had been mixed and packed with said product so as to, and it did, reduce, lower, and injuriously affect the quality and strength of said product, for which it had been substituted in a large part.

On March 21, 1912, the defendant company entered a plea of guilty and a fine of \$10 and costs was imposed by the court.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 10, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1538.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BLACKBERRY FLAVOR AND APPLE CIDER FLAVOR.

On February 29, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. T. Kuehne Flavoring Extract Co., a corporation, St. Louis, Mo., alleging shipment by it on or about April 12, 1911—

(1) From the State of Missouri into the State of Kansas of a consignment of blackberry flavor which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: "Concentrated Blackberry Flavor, F. T. Kuehne Flavoring Extract Co., 1627 Chestnut Street, St. Louis, Mo. Serial No. 7238."

Examination of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 50.40; methyl alcohol (per cent by volume), none; solids evaporated (grams per 100 cc), 0.13; esters as amyl acetate (grams per 100 cc), 5.07; color, artificial, coal tar, reactions like amaranth. Adulteration was charged in the information for the reason that another substance, to wit, an imitation blackberry flavor, had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength; and that an imitation blackberry flavor, artificially colored with coal-tar dye, had been substituted wholly or in part for genuine blackberry flavor, and that said product was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label on the package containing the product, bearing the statement, design, and device, "Concentrated Blackberry Flavor," was false and misleading for the reason that said product was not concentrated blackberry flavor, but on the contrary was an imitation blackberry flavor artificially colored with coal-tar dye, and that the label represented and would deceive and mislead the purchaser thereof into the

belief that said product was genuine blackberry flavor, whereas in truth and in fact it was an imitation blackberry flavor artificially colored, and said label was thereby false and misleading.

(2) Of a consignment of apple cider flavor, from the State of Missouri into the State of Kansas, which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: "Concentrated Apple Cider Flavor, F. T. Kuehne Flavoring Extract Co., 1627 Chestnut Street, St. Louis, Mo., Serial No. 7238."

Examination by the Bureau of Chemistry of this Department of this product showed the following results: Alcohol (per cent by volume), 50.13; methyl alcohol (per cent by volume), none; solids evaporated (grams per 100 cc), 0.12; esters as amyl acetate (grams per 100 cc), 3.12; color, artificial, coal tar, reactions similar to those of Orange G as given by Allen; odor shows presence of benzaldehyde.

Adulteration was charged in the information for the reason that the product was not genuine concentrated apple cider flavor, but on the contrary, an imitation apple cider flavor had been mixed and packed with said product in such a manner as to reduce, lower, and injuriously affect its quality and strength, and that said imitation apple cider flavor had been substituted wholly or in part for genuine apple cider flavor, and that the product was colored with coal-tar dye in a manner whereby its inferiority was concealed. Misbranding was alleged in the information for the reason that the label upon the package of the product was false and misleading in that said product was not concentrated apple cider flavor, as stated upon said package and label, and because the label would deceive and mislead the purchaser thereof into the belief that the product was apple cider flavor, whereas, it was an imitation apple cider flavor artificially colored.

On March 21, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$10 each on the first and second counts alleging adulteration and misbranding of blackberry flavor, and fines of \$1 and costs each on the third and fourth counts alleging adulteration and misbranding of apple cider flavor.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 10, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1539.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF HYDROGEN PEROXIDE.

On September 9, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about September 9, 1910, from the State of Missouri into the State of Nebraska, of a consignment of hydrogen peroxide which was adulterated and misbranded. The product was labeled: "One Pound Medicinally Pure Peroxide of Hydrogen (H_2O_2) (Aqua Hydrogenii Dioxidii, U. S. P.) with 187 grain Acetanilide to fluid ounce. Can be used internally as well as externally with perfect safety. We guarantee our Hydrogen Peroxide to be full strength when bottled and to be unsurpassed in keeping qualities and purity. Hydrogen Peroxide loses strength with age. Manufactured and guaranteed by Meyer Brothers Drug Co. Manufacturing Chemists, Saint Louis, Under the Food and Drugs Act, June 30, 1906. No. 55." "Peroxide of Hydrogen."

Examination of the product by the Bureau of Chemistry of this Department showed the following results: Appearance, straw-colored yellow solution; residue in 20 cc, 0.0199 gram; acidity in 25 cc., 2.4 cc. N/10 NaOH; heavy metals, traces; acetanilid, present; chlorides, negative; phosphates, present; fluorides, negative; alcohol, negative; sulphates, trace; arsenic, positive (greater than 2 parts in 100,000). Adulteration was charged in the information for the reason that the product was sold under and by a name recognized by the United States Pharmacopœia, to wit, the name peroxide of hydrogen, or aqua hydrogenii dioxidii, and that said product differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia at the time of said shipment, in that said Pharmacopœia specifies that said product shall contain not more than one part per 100,000 arsenic, whereas it contained arsenic in excess of one part in 100,000; and that it was further

adulterated in that its purity fell below the professed standard and quality under which it was sold. Misbranding was alleged for the reason that the label upon the bottle in which the product was contained was false and misleading in that the product was not of medicinal purity, as stated on said label, but contained an amount of arsenic greatly in excess of the amount permitted in the United States Pharmacopœia, and to such an extent as to render the product medicinally impure.

On March 21, 1912, the defendant company entered a plea of guilty and the court imposed a fine of \$10 and costs on each count, the first count charging adulteration and the second misbranding of the product.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 10, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1540.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Nicholaou, St. Louis, Mo., alleging shipment by him, in violation of the Food and Drugs Act, on or about August 21, 1910, from the State of Missouri into the State of Oklahoma of a consignment of olive oil which was adulterated and misbranded. The product was labeled: "Diana Olive Oil. Mixed with Cotton Seed Oil. Prepared and Guaranteed by H. Nicholaou, St. Louis, Mo. under the Food and Drugs Act, June 30, 1906." "Diana Olive Oil." "Diana Olive Oil. 206 South 6th Street, St. Louis, Mo." (In Greek, translated as follows): "Charal Nicholaou. Importer Greek and Italian products. In our establishment are sold all the varieties of groceries consistent with honor. Wholesale and retail orders executed throughout all parts of the United States."

Examination of the product, made by the Bureau of Chemistry of this Department, showed the following results: Index of refraction at 25° C., 1.4687; iodine number, 99.68; cottonseed oil according to Halphen test, at least 50 per cent; Renard test, negative; Villavechia, negative. Adulteration was alleged in the information for the reason that the product contained and consisted of at least 50 per cent of cottonseed oil, which said cottonseed oil had been substituted in a large part for genuine olive oil and had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label on the can containing said product conveyed the impression and led the purchaser thereof to believe that the product was pure olive oil, and this impression and belief was created by the statements on the label, to wit, "Diana Olive Oil," which statements appeared in large and conspicuous type on four sides of said can in which the product

was packed, while the words "Mixed with cottonseed oil," which appeared in small, inconspicuous, and almost illegible type, could not be easily read and would be unnoticed and overlooked by the purchaser thereof; and the labels upon the product were, therefore, false and misleading and would lead the purchaser to believe that the product was pure olive oil, when, in truth and in fact, a large part of the product was cottonseed oil; and said labels bore a statement regarding the substance and product contained therein which was false and misleading in that it stated in large and conspicuous type that the product was olive oil, when, in truth and in fact, it consisted in a large part of cottonseed oil, and the part of the label stating that the product was mixed with cottonseed oil was in small and broken type and was so obscured and inconspicuous and illegible as not to be noticed by the purchaser thereof.

On March 21, 1912, the defendant entered a plea of guilty and a fine of \$10 and costs was imposed on the count of adulteration, and \$10 on the count of misbranding.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 11, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1541.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On February 29, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Warner-Jenkinson Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about February 28, 1911, from the State of Missouri into the State of New York of a consignment of vanilla which was adulterated and misbranded. The product was labeled: "Warner-Jenkinson All Bean Vanilla." (Guaranty Legend.) "Serial No. 2008. St. Louis, Mo."

Analysis by the Bureau of Chemistry of this Department showed the following results: Vanillin unpurified, 0.161 per cent; coumarin, none; resins on dealcoholizing, quite deficient; lead number (Winton), 0.234; color, no caramel. Color natural but lighter than usual extract.

Adulteration was alleged in the information for the reason that a mixture of vanilla extract and artificial vanillin had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and further, in that said substance, to wit, a mixture of vanilla extract and artificial vanillin, had been substituted in whole or in part for genuine vanilla extract. Misbranding was alleged in the information for the reason that the label upon the keg in which the product was contained was false and misleading, because the words "All Bean Vanilla," which formed a part of said label, deceived the purchaser into the belief that the product was a true vanilla extract conforming to the commercial standard for such article, whereas, in truth and in fact, it was a mixture of artificial vanillin and vanilla extract.

On March 26, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$10 and costs upon the charge of adulteration and a fine of \$10 and costs upon the charge of misbranding.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 11, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1542.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On February 29, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Warner-Jenkinson Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about May 4, 1911, from the State of Missouri into the State of Indiana of a consignment of vanilla extract which was adulterated and misbranded. The product was labeled: "Warner-Jenkinson Co. All Bean Vanilla * * * St. Louis, Mo."

Analysis by the Bureau of Chemistry of this Department of samples of this product showed the following results: Vanillin purified, 0.106 per cent; vanillin unpurified (resinous), 0.142 per cent; lead number, 0.24; coumarin, none. Adulteration was alleged in the information for the reason that a dilute extract of vanilla had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and adulteration was further alleged for the reason that a substance, to wit, a dilute extract of vanilla, had been substituted wholly or in large part for the said article and product. Misbranding was alleged for the reason that the product was labeled "All Bean Vanilla," and said label thereby created the impression and led the purchaser thereof to believe that said product was a genuine vanilla extract of standard quality and strength, whereas, in truth and in fact, it was not, but a dilute extract of vanilla, and was of less than the standard quality and strength, thereby deceiving and misleading the purchaser.

On March 25, 1912, the defendant company entered a plea of guilty and a fine of \$10 and costs was imposed by the court on the charge of adulteration, and a fine of \$10 and costs on the charge of misbranding.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 11, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1543.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CRUSHED STRAWBERRIES.

On February 29, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Warner-Jenkinson Co., a corporation, St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about March 31, 1911, from the State of Missouri into the State of North Carolina of a consignment of crushed strawberries, which was misbranded. The product was labeled: "E. Warren and Son, Wilmington, N. C. L. & N. 41317 99680 (chalk) 24/14."

Examination of the product by the Bureau of Chemistry of this Department showed the following results: Sodium benzoate present, 0.14 per cent; color, coal tar, reactions like Ponceau 3 R. Misbranding was alleged in the information for the reason that the product contained 0.14 per cent of benzoate of soda, and the keg or package containing the product was not labeled or branded so as to show the presence and amount of benzoate of soda contained therein, and for the further reason that the product was sold and shipped as crushed strawberries, and the label and brand thereon was false and misleading, because the purchaser thereof having bought the same as crushed strawberries would be deceived into the belief that the product was composed wholly of crushed strawberries, when, in fact, it contained in addition 0.14 per cent of benzoate of soda, which was not a normal constituent of said product and the presence of which benzoate of soda was not declared or stated upon the package containing the product.

On March 26, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 11, 1912.

THE HISTORY OF THE UNITED STATES OF AMERICA

BY JAMES M. SMITH

THE HISTORY OF THE UNITED STATES OF AMERICA
FROM 1776 TO 1876

THE HISTORY OF THE UNITED STATES OF AMERICA

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1544.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF DR. CALDWELL'S RHEUMATISM CURE.

At the February, 1912, term of the District Court of the United States for the Southern District of New York, the grand jurors of the United States within and for said district, after presentation by the United States Attorney, acting upon a report by the Secretary of Agriculture, returned an indictment against "John" W. Horter, said first name "John" being fictitious, real name being to the jurors unknown, but who can be identified, late of the district aforesaid, charging shipment by him, in violation of the Food and Drugs Act, on or about July 25, 1910, from the State of New York into the State of Tennessee, of a consignment of Dr. Caldwell's Rheumatism Cure, which was misbranded. The product was labeled: "Dr. Caldwell's Rheumatism Cure. A certain cure for acute and chronic rheumatism in all its forms, gout, sciatica and lumbago. * * * Sure to cure * * * This medicine cures by expelling the acids from the blood * * * restores the liver, kidneys, and skin to a healthy condition, * * * thus effecting a permanent cure * * * and preventing recurrence."

An analysis by the Bureau of Chemistry of this Department gave the following results: Alcohol, by volume, 14.5 per cent; salicylic acid, calculated as sodium salicylate, in 100 cc, 6.1694 grams; ammonium salt, calculated as ammonia (NH_3), in 100 cc, 0.5671 gram; bromide is present; chloride is present; alkaloid (not identified) is present in very small amount; sodium is present; phosphate is present; heavy metals are absent. Misbranding was alleged in the indictment for the reason that the package in which the product was shipped failed to bear a statement on the label of the quantity or proportion of the alcohol contained therein, whereas in truth and in fact alcohol was contained in said product in the proportion of approximately 14.5 per cent by volume.

On March 18, 1912, the defendant entered a plea of guilty to the indictment and the court sentenced him to pay a fine of \$200.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1545.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF DR. CALDWELL'S ANTI-PAIN TABLETS.

At the February, 1912, term of the District Court of the United States for the Southern District of New York the grand jurors of the United States within and for said district, after presentation by the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against "John" W. Horter, the said first name "John" being fictitious, the real name being to the grand jurors unknown, but who can be identified, late of the district aforesaid, charging shipment by him, in violation of the Food and Drugs Act, on or about September 8, 1910, from the State of New York into the State of Tennessee, of a consignment of Dr. Caldwell's Anti-Pain Tablets, which was misbranded. The product was labeled: "Dr. Caldwell's Anti-Pain Tablets, for Headache, Neuralgia, all kinds of pains and aches, * * * prepared only by the Dr. Caldwell Medical Company, Main Office and Laboratory, Poughkeepsie, N. Y. * * *".

An analysis by the Bureau of Chemistry of this Department showed the following results: Acetanilid, 51.4 per cent; caffeine, 12.3 per cent; corn starch, 23.2 per cent; camphor, present; average each tablet weighs 0.2455 gram. Misbranding was alleged in the indictment for the reason that the package in which the product was shipped failed to bear a statement on the label as to the quantity or proportion of acetanilid contained therein, whereas in truth and in fact acetanilid was contained in said product in the proportion of about 50 per cent.

On March 18, 1912, the defendant entered a plea of guilty and the court sentenced him to pay a fine of \$200.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 13, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1546.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On August 19, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels, more or less, of vinegar, remaining unsold in the original unbroken packages and in possession of Charles Hewitt Sons Co. (Inc.), Des Moines, Iowa, alleging that the product had been shipped on or about July 17, 1911, by the Central City Pickle Co., of Peoria, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Central City Pickle Co., Cider Vinegar. 49 Gal. Peoria, Ill."

Adulteration was alleged in the libel for the reason that the barrels containing the product, or any of them, did not contain cider vinegar, but in truth and in fact contained, wholly or in part, a mixture of a dilute solution of acetic acid, made from substances other than cider, and a foreign substance high in reducing sugars, and prepared in imitation of cider vinegar, and foreign mineral matters which had been mixed and packed in imitation of true cider vinegar, and had been substituted therefor. Misbranding of the barrels as to the character of their contents was alleged for the reason that the labeling of said barrels as containing pure cider vinegar, whereas certain substances had been substituted therefor, wholly or in part, was misleading and false and was such as to mislead and deceive the purchaser and to enable the offering of the contents for sale as being cider vinegar, when in truth and in fact the same was not such as was offered for sale.

On December 2, 1911, a judgment of condemnation and forfeiture was entered, and it was further ordered that unless bond in conformity with section 10 of the Act, fixed by the court at \$500, was given in ten days the product should be destroyed. On January 18, 1912, this judgment was vacated and it was ordered that this product should be sold to pay the cost of the proceedings.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 14, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1547.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On July 31, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of Charles Hewitt Sons Co., a corporation, Des Moines, Iowa, alleging that the product had been shipped on or about June 26, 1911, by the Central City Pickle Co., Peoria, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each barrel was branded: "Charles Hewitt Sons Co., Distributors, Opal Brand, Pure Cider Vinegar, Des Moines, Iowa."

Adulteration was alleged in the libel for the reason that the product was not pure cider vinegar but, in truth and in fact, a mixture of a dilute solution of acetic acid, made from substances other than cider and a foreign substance high in reducing sugars and prepared in imitation of true cider vinegar for which it had been substituted. Misbranding as to the character of the contents of the barrels was alleged for the reason that the labeling of said barrels as containing pure cider vinegar, whereas certain substances had been substituted therefor, wholly or in part, was misleading and false and was such as to mislead and deceive the purchaser and to enable the offering of the contents for sale as being pure cider vinegar, when in truth and in fact the same was not such as was offered for sale.

On December 2, 1911, judgment of condemnation and forfeiture was entered and it was further ordered that unless bond in conformity with section 10 of the Act, fixed by the court at \$500, was given within ten days the product should be destroyed. On January 18, 1912, the foregoing judgment was vacated and it was ordered that the product should be sold to pay the costs of the proceedings.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 14, 1912.*

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

PUBLISHED WEEKLY

VOLUME 100

CHICAGO, ILL., MAY 1, 1925

NO. 19

Subscription price, \$5.00 per annum in advance

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610. Second-class postage paid at Chicago, Ill., and at additional mailing offices. Postmaster: This publication is entered as second-class matter, October 3, 1917, under post office number 384, at Chicago, Ill., under special agreement of the Postoffice Department. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized on July 1, 1924. Payment of postage guaranteed by the Postoffice Department. This publication is entered as second-class matter, October 3, 1917, under post office number 384, at Chicago, Ill., under special agreement of the Postoffice Department. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917, authorized on July 1, 1924. Payment of postage guaranteed by the Postoffice Department.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1548.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SUGAR BUTTER.

On October 17, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kellogg Manufacturing Co., a corporation of Keokuk, Iowa, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 2, 1910, from the State of Iowa into the State of Indiana, of a consignment of sugar butter which was misbranded. The product was labeled: "Gate City Brand Sugar Butter, Maple Flavor: Manufactured by Kellogg M'fg Co., Keokuk, Iowa. Made from 20% maple syrup, 70% cane syrup, 10% corn syrup. For icings and fillings, as a spread on warm biscuit or cakes, or as a syrup by adding sufficient water to reduce it to proper consistency. For candy making use the same as ordinary sugar, except use less water."

An analysis by the Bureau of Chemistry of this Department showed the following results: Solids by refractometer, 84.8 per cent; nonsugar solids, 14.6 per cent; sucrose, by Clerget, 55.4 per cent; reducing sugars as invert, 14.8 per cent; commercial glucose (factor 163), 33.1 per cent; polarization direct, temperature 24° C., 110.3; polarization invert, temperature 24° C., 37.9; polarization invert, 87° C., 53.9; ash, 0.35 per cent; ash, soluble in water, 0.18 per cent; ash, insoluble in water, 0.17 per cent; ratio, soluble to insoluble ash, 1:1; alkalinity, soluble ash, cc N/10 acid 100 grams, 17.5; lead precipitate (Winton number), 0.03; Beckman's sugar test, glucose present. Misbranding was alleged in the information for the reason that the label on the product bore the false, untrue, and misleading statement that the product contained only 10 per cent of corn syrup, when in truth and in fact it is shown by the analysis to have contained 33.1 per cent of corn syrup (commercial glucose), and the label was therefore such as to mislead and deceive the purchaser.

On October 18, 1911, the defendant appeared in court and entered a plea of guilty and the court imposed a fine of \$20 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 14, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1549.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SUGAR BUTTER.

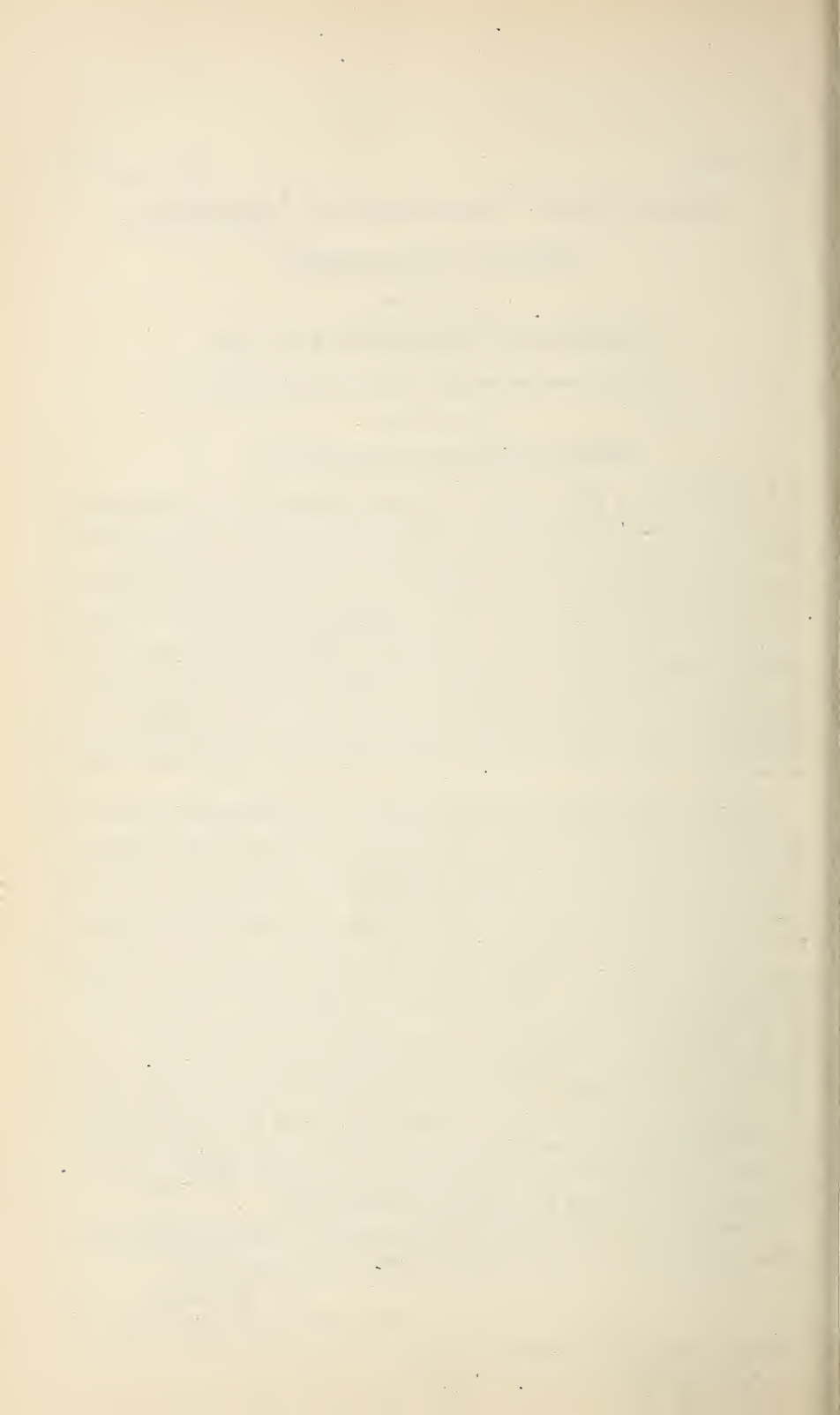
On October 17, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kellogg-Birge Co., a corporation, Keokuk, Iowa, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 26, 1910, from the State of Iowa into the State of Missouri of a consignment of sugar butter which was misbranded. The product was labeled: "Gate City Brand Sugar Butter Maple Flavor Manufactured by Kellogg M'fg. Co. Keokuk, Iowa. Made from 20% Maple Syrup, 70% Cane Syrup, 10% Corn Syrup
* * *"

Analysis by the Bureau of Chemistry of this Department showed the following results: Solids (evaporated), 85.47 per cent; sucrose, Clerget, 55.54 per cent; commercial glucose (factor 163), 32.40 per cent; polarization direct, temperature 26° C., +109.2; polarization invert, temperature 26° C., +37.2; polarization invert, temperature 87° C., +52.8; ash, 0.342 per cent; ash, soluble in water, 0.243 per cent; ash, insoluble in water, 0.099 per cent; alkalinity of soluble ash, cc N/10 acid per 1 gram, 0.19 cc; alkalinity of insoluble ash, cc N/10 acid per 1 gram, 0.27 cc; malic acid value, 0.22; color, very light. Misbranding was alleged in the information for the reason that the label on the product bore the false, untrue, and misleading statement that the product contained only 10 per cent corn syrup, when, in truth and in fact, it was shown by analysis to have contained 32.40 per cent of corn syrup (commercial glucose), and the label was therefore such as to mislead and deceive the purchaser.

On October 18, 1911, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 16, 1912.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1550.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF VINEGAR.

On November 10, 1911, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 65 barrels of vinegar remaining unsold and in the original unbroken packages and in possession of Smith Bros. & Burdick Co., Davenport, Iowa, alleging that the product had been shipped on or about July 26, 1911, by the Avis Cider & Vinegar Co., St. Louis, Mo., and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act. Each barrel was branded: "Smith Bros. and Burdick Co., Distributors Pure Sugar Chick Brand Vinegar Davenport Iowa".

Misbranding was alleged in the libel for the reason that the barrels containing the product, or any of them, did not contain sugar vinegar, but, in truth and in fact, contained a product consisting in whole or in part of a dilute solution of acetic acid or distilled vinegar, which had been substituted for sugar vinegar; that the branding of said barrels as containing pure sugar vinegar was misleading and false and was such as to mislead and deceive the purchaser and was such as to enable the offering of the contents for sale as being pure sugar vinegar when, in truth and in fact, the same was not such as was offered for sale.

On January 18, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that the goods should be released to claimants upon having a bond executed and delivered in conformity with section 10 of the Act, in the sum of \$500.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1912.*

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Iowa Butter & Egg Co.....	1321	Forbes, James H., Tea & Coffee Co.....	1057
Kalchheim, Henry, & Co.....	1046, 1444	Extract, Pistachio:	
Keith, H. J., Co. (Inc.).....	1027	Western Candy & Bakers Supply Co.....	1041
Omaha Cold Storage Co.....	1296	Extract, Raspberry:	
Eggs, Powdered (albumen):		California Perfume Co.....	1217
Jahn, W. K., Co.....	1389	Forbes, James H., Tea & Coffee Co.....	1057
Eggs, Preserved whole:		Wellman, Peck & Co.....	1212
Hipolite Egg Co.....	1043 (suppl. to 508), 1438	Extract, Rose geranium:	
Eggs, Shelled:		Forbes, James H., Tea & Coffee Co.....	1057
Newman, Ad., & Son.....	1202	Extract, Strawberry:	
Essences. (See Extracts.)		California Perfume Co.....	1217
Evaporated milk. (See Milk, Evaporated.)		Forbes, James H., Tea & Coffee Co.....	1057
Extract, Almond:		Wellman, Peck & Co.....	1212
California Perfume Co.....	1217	Extract, Vanilla:	
Forbes, James H., Tea & Coffee Co.....	1057	Acme Extract & Chemical Works.....	1292
Extract, Almond (bitter):		Baumgartner, Andrew, Co.....	1281
Christiani Drug Co. (Inc.).....	1126	Conwell, S. D., & Co.....	1216
Extract, Apple cider:		Christiani Drug Co. (Inc.).....	1126
Kuehne, F. T., Flavoring Extract Co.....	1538	Compton, Charles.....	1029
Extract, Banana:		Eddy & Eddy Mfg. Co.....	1118
Forbes, James H., Tea & Coffee Co.....	1057	Haigh, William.....	1289, 1366, 1447, 1448
Extract, Blackberry:		Junjalas & Psichos.....	1377
Kuehne, F. T., Flavoring Extract Co.....	1538	Manhattan Importing Co.....	1150
Extract, Cinnamon:		Pan American Mfg. Co.....	1158
California Perfume Co.....	1217	Righter Mfg. Co.....	1061
Extract, Ginger:		St. Louis Coffee & Spice Mills.....	1099
Bettman-Johnson Co.....	1453	Schwabacher Bros. & Co. (Inc.).....	1429
Forbes, James H., Tea & Coffee Co.....	1057	Star Extract Works.....	1104
Rheinstrom, Minna W.....	1422, 1433	Warner-Jenkinson Co.....	1166, 1443, 1541, 1542
Extract, Ginger, Jamaica:		Weston, Edward, Tea & Spice Co.....	1096
Hirsch, S., Distilling Co.....	1353	Extract, Vanilla and tonka:	
Minuet Cordial Co.....	1353	California Perfume Co.....	1217
Extract, Jamaica ginger. (See Extract, Ginger, Jamaica.)		Extract, Wintergreen:	
Extract, Lemon:		Christiani Drug Co. (Inc.).....	1126
California Perfume Co.....	1229	Feeds, Continental gluten:	
Carpenter-Cook Co.....	1147	Continental Cereal Co.....	1293, 1294
Christiani Drug Co. (Inc.).....	1126	Feeds, Hammond dairy:	
Compton, Charles.....	1029	Western Grain Products Co.....	1094
Cook, Charles I.....	1147	Feeds, Peerless:	
Dennery, Charles.....	1188	Smith, J. Allen, & Co. (Inc.).....	1141
Horton-Cato Mfg. Co.....	1266	Feeds, Peerless horse:	
Merten & Co.....	1264	Kidder, F. L., & Co.....	1176
Michigan Refining & Preserving Co.....	1147	Feeds. (See also Corn, Cracked; Middlings; Oats.)	
Schorndorfer & Eberhard Co.....	1314	Figlets:	
Extract, Orange:		Simpson, Charles S.....	1403
California Perfume Co.....	1217	Snell & Simpson.....	1403
Forbes, James H., Tea & Coffee Co.....	1057	Figs:	
Extract, Peach:		Kusykin, J., & Co.....	1246
Forbes, James H., Tea & Coffee Co.....	1057	Fish. (See Bloaters; Hake; Herring; Shad.)	
		Flavor. (See Extract.)	

FOODS—Continued.

	N. J. No.		N. J. No.
Flour. (<i>See</i> Buckwheat flour.)		Jam, Strawberry:	
Flour, Diabetic:		California Fruit Cannery's Association	1235
Acme Mills Co.	1507	McMechen Preserving Co.	1276
Frozen eggs. (<i>See</i> Eggs, Frozen.)		Jelly, Apple:	
Fruit jelly. (<i>See</i> Jelly, Fruit.)		Van Lill, S. J., Co.	1393
Fruit sirups. (<i>See</i> Sirups.)		Jelly, Apple flavor:	
Fudge, Chocolate cherry:		McMechen Preserving Co.	1276
Schaeffer, James E.	1351	Jelly, Fruit:	
Gate City Brand sugar butter, maple flavor:		Huffman, W. D.	1207
Kellogg Mfg. Co.	1548, 1549	Indianapolis Canning Co.	1207
Kellogg-Birge Co.	1549	Scully, D. B., Syrup Co.	1172
Gelatin:		Jelly, Raspberry:	
Bessie & Co.	1365	California Fruit Cannery's Association	1235
Chalmers', James, Sons.	1127, 1128	Ketchup. (<i>See</i> Tomato ketchup.)	
Ginger extract. (<i>See</i> Extract, ginger.)		Lemon juice, Brooke's Lemos:	
Gluten feed, Continental:		Brooke, C. M., & Sons.	1413
Continental Cereal Co.	1293, 1294	Lemon oil:	
Gluten paste:		Heine & Co.	1220
Parodi, Erminio & Co.	1514	Lemos, Brooke's:	
Grant's hygienic crackers:		Brooke, C. M., & Sons.	1413
Hygienic Health Food Co.	1265	London creams (candy):	
Grape jam. (<i>See</i> Jam, Grape.)		Bradley-Smith Co.	1243
Hake, Silver:		Macaroni:	
Allen, R. E., & Bro. Co.	1411	Cini, D.	1357
Hammond dairy feed:		Mauil Bros.	1278
Western Grain Products Co.	1094	Puglisi, Antonio.	1471
Herring:		Russo, G., & Sons.	1368
Crilly, J. H.	1253	Spicola, Francesco.	1471
Honey:		Spiropoulos & Costalupes.	1324
Deiser, Albert A., & Co.	1123	Union Macaroni Co.	1374
Hotch, Vermont maple butter:		Viviani, V., & Bro.	1412
Maple Tree Sugar Co.	1164	Youngstown Macaroni Co.	1145, 1503
Ice cream:		Macaroni. (<i>See also</i> Noodles; Spaghetti.)	
Rinchini, Louis.	1450	Mace:	
Ice cream, Chocolate:		Steinwender-Stoffregen Coffee Co.	1537
Stephen, Felip.	1446	Maple butter hotch, Vermont:	
Ice cream, Vanilla:		Maple Tree Sugar Co.	1164
Stephen, Felip.	1446	Maple flavor, Gate City Brand sugar butter:	
Ice-cream cones:		Kellogg Mfg. Co.	1548, 1549
Blue Seal Ice Cream Co.	1395	Kellogg-Birge Co.	1549
Consolidated Wafer Co.	1073, 1395	Maple sirup. (<i>See</i> Sirup, Maple.)	
Eagle Mfg. Co.	1315	Maple Sugar:	
Star Wafer Co.	1301, 1426	Arcadia Maple Co.	1309
Jam, Apricot:		Brokaw Merchandise Co.	1015
McMechen Preserving Co.	1276	Standard Syrup Co.	1101, 1502
Jam, Blackberry:		Maple sugar butter, Cane and:	
McMechen Preserving Co.	1276	Marshalltown Syrup & Sugar Co.	1121, 1122
National Pickle & Canning Co. (Dodson-Braun Branch).	1097	Maraschino cherries. (<i>See</i> Cherries, Maraschino.)	
Jam, Cherry:		Mayflower cream cheese. (<i>See</i> Cheese, Cream, Mayflower.)	
California Fruit Cannery's Association	1235	Meal. (<i>See</i> Alfalfa meal; Corn meal; Cottonseed meal.)	
Jam, Cranberry:		Meat food products:	
Pioneer Preserving Co.	1406	Fairbanks Meat Co.	1476
Jam, Grape:		Pacific Cold Storage Co.	1476
California Fruit Cannery's Association	1249	Middlings:	
Jam, Peach:		Model Mill Co. (Inc.)	1142
McMechen Preserving Co.	1276	Milk:	
Pioneer Preserving Co.	1398	Alexander, J. B.	1526
Jam, Quince:		Barnesley, George H.	1136
McMechen Preserving Co.	1276	Bayliss, George H.	1137
Jam, Raspberry:		Blanche, George.	1489
McMechen Preserving Co.	1276	Boberink, Henry A.	1083
		Bohke, Chris.	1083

FOODS—Continued.

Milk—Continued.		N. J. No.	Minceat:		N. J. No.
Braun, Charles	1259		Brenneman, W. H.	1067	
Carroll, G. E.	1526		Molasses:		
Coffee, James F.	1083		Corn Products Refining Co.	1461	
Cox, James	1083		Molasses temtors:		
Deterding, Chris.	1513		St. Louis Syrup & Preserving Co.	1399	
Evers, Ben.	1526		Moyun brand extracts:		
Grove, John W.	1310		Forbes, James H., Tea & Coffee Co.	1057	
Hawkins, Richard D.	1515		Mushrooms:		
Hershey, Eli N.	1424		Arbuckle & Co.	1037	
Hildebrand, George L.	1209		Mustard:		
Hill, Almon	1486		Mount Pickle Co.	1319	
Holt, W. D.	1490		Seabury & Co.	1419	
Hudson, Leonard	1083		Westmoreland Specialty Co.	1419	
Hudson, S. M.	1526		Wilde, Joseph P.	1239	
Jackson, J. M.	1484		New Amsterdam Dutch rusk:		
Kenison, H. C.	1360		American Pastry & Mfg. Co.	1415	
Koehlin, E. J.	1083		Michigan Tea Rusk Co.	1415	
Lewis, Joseph F.	1423		Noodles. (See also Macaroni; Spaghetti.)		
Lotshaw, John	1508		Noodles, Egg:		
Lucas, George	1526		Maas Baking Co.	1181	
McAvoy, Dan	1083		Northern Ohio sugar:		
Meiman, John	1526		Standard Syrup Co.	1101, 1502	
Menke, Henry	1526		Nutmegs:		
Moock, George B.	1259		German, Lewis, & Co.	1180	
Nostheide, H.	1526		Oats:		
Null, Wm. C.	1133		Gibbons, John T.	1250	
Orme, Wm. H., jr.	1134		Grier, T. A., & Co.	1165	
Oser, Charles	1083		Logan, Thomas M.	1171	
Plump, J. T.	1083		Pendleton Grain Co. (Inc.)	1250	
Regel, Henry	1092		Rothschild, D., Grain Co.	1208	
Rounds, E. R.	1130		Wells, Jos. L.	1146	
Schaeffer, Edward T.	1498		Oil. (See Lemon oil; Olive oil.)		
Schuck, A. H.	1083		Oleomargarin:		
Schuck, Jerome	1083		Steele, Jesse A.	1115	
Schulte, L. H.	1083		Wisconsin Creamery Co.	1115	
Shorten, J. W.	1129		Olive oil:		
Smith, Charles E.	1083		Barbara, Frank	1305	
Smith, Howard L.	1161		Bernagozzi, William P.	1520	
Spaulding, H. E.	1485		Carrao, Francesco	1155	
Thomas, Harry L.	1311		Cusimano & Tujague Co.	1062	
Thomas, Russel C.	1236		Marchesini, Arturó.	1404	
Walter, Chas. A.	1132		Nicholaou, Harry	1540	
West, J. F.	1526		Oil Importing Co.	1501	
Wilder, W. C.	1487		Schwabacher Bros. & Co. (Inc.)	1434	
Yeaton, George H.	1488		Silvestri, Ernest	1501	
Zimmerman, Benjamin F.	1131		Tujague, Leon	1062	
Zimmerman, Harvey L.	1499		Olives:		
Milk, Condensed:			Greek Trading Co.	1275	
Delavan Condensed Milk Co.	1028		Psiaki, Alco G.	1047, 1048	
Libby, McNeill & Libby	1117		Orange extract. (See Extract, Orange.)		
Stevens, T. M., & Co.	1528		Orange sirup. (See Sirup, Orange.)		
White Hall Condensed Milk Co.	1069		Oysters:		
Yam Hill Valley Condensed Milk Co.	1528		Bailey, James C.	1385	
Milk, Evaporated:			Conklin, Henry R.	1481	
Cache Valley Condensed Milk Co.	1496		Decker, Garrett F., & Co.	1192	
Faultless Condensed Milk Co.	1052, 1478		Hayden, H. A.	1386	
Gordon, B. L., & Co.	1496		Hayden, William H.	1382	
M. & O. Milk Co.	1114		Martin, C. W., Co.	1337	
Peltason Co.	1478		Sprague & Doughty	1380	
Milk, Powdered:			Stewart, Henry	1527	
Merrell-Soule Co.	1303		Paprika:		
Tulin, William J.	1033		Atlantic & Pacific Tea Co.	1066	
Wood & Selick	1364		McCormick & Co.	1153, 1341 (suppl. to 1153)	

FOODS—Continued.

	N. J. No.		N. J. No.
Paste, Gluten. (<i>See</i> Gluten paste.)		Rice—Continued.	
Peach, apple, and sugar, preserved:		Seabury & Co.	1388
St. Louis Syrup & Preserving Co.	1038	Vallee, P. E., & Co.	1388
Peach apple preserves. (<i>See</i> Preserves,		Weston, Edward, Tea & Spice Co.	1361
Peach apple.)		Rose geranium extract. (<i>See</i> Extract, Rose	
Peach extract. (<i>See</i> Extract, Peach.)		geranium.)	
Peach jam. (<i>See</i> Jam, Peach.)		Rosebud drips sirup:	
Peaches:		Gordon Syrup & Pickle Co.	1240
Seeley, A. B., & Son.	1262	Rusk, New Amsterdam Dutch:	
Peanuts:		American Pastry & Manufacturing Co. ...	1415
Dixie Peanut Co.	1372	Michigan Tea Rusk Co.	1415
Edenton Peanut Co.	1263	Saffron:	
Peas:		Buhl Mills Co.	1288
Boyle, John, Co.	1280	Proctor, William M., Co.	1288
Pecan creams:		Salad oil. (<i>See</i> Olive oil.)	
Schaeffer, James E.	1351	Sardines:	
Peerless feed:		New, Frank, Co.	1299
Smith, J. Allen, & Co. (Inc.)	1141	Seerop Temtors, Clymer's Table:	
Peerless horse feed:		St. Louis Syrup & Preserving Co.	1367
Kidder, F. L., & Co.	1176	Shad:	
Pepper:		— — — — —	1087
Cobb Mfg. Co.	1257	— — — — —	1088
Eddy & Eddy Mfg. Co.	1118	Claxton, Richard W.	1021
Pepper, Cayenne:		Shelled eggs. (<i>See</i> Eggs, Shelled.)	
Hanley & Kinsella Coffee & Spice Co.	1013	Sirup, Alaga Alabama-Georgia:	
Peppermint extract. (<i>See</i> Extract, Pepper-		Alabama-Georgia Syrup Co.	1187
mint.)		Sirup, Cane and maple, Butterfly:	
Phosphate:		Gordon Sirup Co.	1394
Provident Chemical Works.	1203	Sirup, Clymer's Table Seerop Temtors:	
Pineapple extract. (<i>See</i> Extract, Pineapple.)		St. Louis Syrup & Preserving Co.	1367
Pistachio extract. (<i>See</i> Extract, Pistachio.)		Sirup, Corn and sorghum (Farmer Jones):	
Powdered egg albumen:		Fort Scott Sorghum & Corn Sirup Co.	1475
Jahn, W. K., Co.	1389	Sirup, Maple:	
Powdered milk. (<i>See</i> Milk, Powdered.)		Huntington Maple Syrup & Sugar Co. ...	1445
Preserved peach, apple, and sugar:		Sirup, Maple and cane, Butterfly:	
St. Louis Syrup & Preserving Co.	1038	Gordon Siru Co.	1394
Preserved whole eggs. (<i>See</i> Eggs, Preserved,		Sirup, Orange (blood):	
whole.)		Stewart & Holmes Drug Co.	1156
Preserves, Currant:		Sirup, Raspberry:	
Flaccus, E. C., Co.	1081	Stewart & Holmes Drug Co.	1156
Preserves, Peach apple:		Sirup, Rosebud drips:	
Van Lill, S. J., Co.	1391	Gordon Sirup & Pickle Co.	1240
Preserves, Quince apple:		Sirup, Sorghum and corn (Farmer Jones):	
Van Lill, S. J., Co.	1391	Fort Scott Sorghum Sirup Co.	1475
Preserves, strawberry:		Sodic aluminic sulphate:	
Knights, Alonzo A., & Son.	1302	Superior Chemical Co.	1105
Purée, Tomato. (<i>See</i> Tomato purée.)		Sorghum sirup. (<i>See</i> Sirup, Sorghum.)	
Quince apple preserves. (<i>See</i> Preserves,		Spaghetti:	
Quince apple.)		Spiropoulos & Costalupes.	1324
Quince jam. (<i>See</i> Jam, Quince.)		Spaghetti. (<i>See also</i> Macaroni; Noodles.)	
Raisins:		Strawberries, Crushed:	
Griffith, R. C., & Co.	1274	Warner-Jenkinson Co.	1543
Ralston Select Bran:		Strawberry extract. (<i>See</i> Extract, Straw-	
Aeme Mills Co.	1507	berry.)	
Raspberry extract. (<i>See</i> Extract, Rasp-		Strawberry jam. (<i>See</i> Jam, Strawberry.)	
berry.)		Strawberry preserves. (<i>See</i> Preserves, Straw-	
Raspberry jam. (<i>See</i> Jam, Raspberry.)		berry.)	
Raspberry jelly. (<i>See</i> Jelly, Raspberry.)		Sugar butter maple flavor, Gate City Brand:	
Raspberry sirup. (<i>See</i> Sirup, Raspberry.)		Kellogg Mfg. Co.	1548, 1549
Rice:		Kellogg-Birge Co.	1549
Alliance Rice & Milling Co.	1177	Sugar corn flakes:	
Burkenroad-Goldsmith Co. (Ltd.)	1340	Grain Products Co.	1042
Cormier, Chas. E., Rice Co.	1177	Scudders-Gale Grocer Co.	1042
Griggs, Cooper & Co.	1177	Sugar, Maple. (<i>See</i> Maple sugar.)	
Louisiana Molasses Co.	1030		

FOODS—Continued.

		N. J. No.	
Sugar, Northern Ohio:		N. J. No.	
Standard Syrup Co.	1101, 1502	Tomato pulp—Continued.	
Sulphate, Sodie aluminic:		Dana, Anna L.	1407
Superior Chemical Co.	1105	Dana, John.	1407
Temtors, Clymer's Table Seerop:		English Canning & Mfg. Co. (Inc.)	1509
St. Louis Syrup & Preserving Co.	1367	Guenther, J. Ed.	1320
Temtors, Molasses:		Hearn Co.	1267
St. Louis Syrup & Preserving Co.	1399	Langrall, J., & Bro.	1533
Tomato ketchup:		Levins, S. H., & Sons.	1532
Alart & McGuire.	1427	Lord-Mott Co.	1107
American Preserve Co.	1510	New Blue Grass Canning Co.	1320
Anderson Canning Co.	1004	Phillips Packing Co.	1261
Atlas Preserving Co.	1269, 1331	Summers, Charles G., & Co. (Inc.)	1268
Ayars, B. S., & Sons Co.	1534	Torsch Packing Co.	1270
Bicklen Winzer Grocer Co.	1329	Tomato purée:	
Blue Grass Canning Co.	1195	Guenther, J. Ed.	1320
Burlington Vinegar & Pickle Co.	1003	New Blue Grass Canning Co.	1106, 1320
California Fruit Cannery Association	1235	Tomato sauce:	
Chance's, R. C., Sons.	1006, 1522	Delgaizio, Florida.	1477
Corey, Henry B.	1427	Garamone, Frank A.	1477
Edler, Fred C.	1054	Gross, Ignatius, Co.	1242
Farmer's Loan & Trust Co.	1427	Tomatoes:	
Frazier Packing Co.	1162, 1163, 1175, 1352	Ayars, Clinton B., Canning Co.	1237
Guenther, J. Ed.	1320	Langrall, J., & Bro.	1482
Harbauer-Marleau Co.	1034, 1316, 1329, 1334	Pearson, A. E., & Son.	1371
Henning William, Co.	1529	Polk, J. T., Co.	1090
Huss-Edler Preserve Co.	1054	Tonka and compound, Vanilla:	
Jersey Packing Co.	1358	Creamery Dairy Co.	1306
Kansas City Conserve Co.	1405	Hudson Mfg. Co.	1306
Kokomo Canning Co.	1224	Tonka extract, Vanilla and. (See Extract, Vanilla and tonka.)	
Leroux Cider & Vinegar Co.	1095	Vanilla, All-bean:	
Lewis Packing Co.	1241	Warner-Jenkinson Co.	1449
McCord-Brady Co.	1034	Vanilla extract. (See Extract, Vanilla.)	
McMechen Preserving Co.	1080, 1276	Vanilla tonka and compound:	
National Pickle & Canning Co. (Dodson-Braun Branch).	1072, 1098	Creamery Dairy Co.	1306
New Blue Grass Canning Co.	1320	Hudson Mfg. Co.	1306
Philadelphia Pickling Co.	1075	Vermont maple butter hotch:	
Polk, J. T., Co.	1090	Maple Tree Sugar Co.	1164
Pressing & Orr Co.	1213	Vinegar:	
Snyder, T. A., Preserve Co.	1346, 1358		1036
Soper, A. C., & Co.	1055, 1326, 1436	Avis Cider & Vinegar Co.	1550
Spraul, George, Packing Co.	1044,	Barrett & Barrett.	1206
	1271 (suppl. to 1044)	Board, Armstrong & Co.	1023, 1297
Weller, H. N., & Co.	1196	Braun, A., Mfg. Co.	1524
Weller, J., Co.	1199, 1201	Callahan, A. P., & Co.	1151
Tomato ketchup, Oyster Bay Brand:		Caro Vinegar Co.	1418
	1085	Central City Pickle Co.	1546, 1547
Tomato ketchup, Pioneer Brand:		Chandler, B. T., & Son.	1050, 1059, 1349
	1086	Chandler, Earl.	1349
Tomato paste:		Erdmann's, H., Sons.	1184
Delgaizio, Florida.	1477	Fleischman Vinegar Works.	1285
Garamone, Frank A.	1477	Gregory, D. J., Vinegar Co.	1308
Gross, Ignatius, Co.	1469	Harbauer-Marleau Co.	1193, 1287
Horner, Henry & Co.	1008	Lewis Packing Co.	1241
Kelty, Samuel L.	1227	Louisville Cider & Vinegar Works.	1225
Polinsky, H.	1001	Oakland Vinegar & Pickle Co.	1060
Roncoroni, Pietro, Co.	1053, 1065, 1231	Off, Charles J., & Co.	1524
Salem Canning Co.	1338	Ogden, H. H.	1410
Tomato pulp:		Pacific Honey Co.	1410
Ayars, B. S., & Sons Co.	1064,	Prussing Bros.	1304
	1396, 1437, 1462, 1463	Queen City Cider Vinegar Mfg. Co.	1110
Baker, Walter S.	1532	Robinson Cider Vinegar Co.	1258
Boehm & Holzkamp.	1462	Sharp Elliot Mfg. Co.	1007, 1363

FOODS—Continued.

Vinegar—Continued.	N. J. No.	Wheat:	N. J. No.
Southern Cider & Vinegar Co.....	1252	Hall Baker Grain Co.....	1135, 1173
Spielmann Bros. Co.....	1159, 1200, 1293, 1441	Walker Grain Co.....	1173
Vermont Fruit Co.....	1167	Whipped Cream Maple:	
Wilson, W. J., & Son.....	1119, 1120, 1290	Central Candy Co.....	1512
Zinke Mercantile Co.....	1050	Whiting. (See Hake, Silver.)	
"Wafels, Crème":		Wintergreen extract. (See Extract, Wintergreen.)	
De Boer & Dik.....	1039		

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS.

	N. J. No.		N. J. No.
Apricot brandy. (See Brandy, Apricot.)		Coffee essence:	
Banana cordial. (See Cordial, Banana.)		Zverina, A.....	1189
Beer:		Cognac brandy. (See Brandy, Cognac.)	
Benwood Brewing Co.....	1272	Cordial, Banana:	
"Bernardine":		Tyson, William J.....	1523
Lyons, E. G., & Raas Co.....	1247	Cordial, Blackberry:	
Berry Hill mineral water:		Arrow Distilleries.....	1205
Berry Hill Mineral Spring Co.....	1251	Bettman-Johnson Co.....	1440
Blackberry brandy. (See Brandy, Blackberry.)		Lyons, E. G., & Raas Co.....	1247
Blackberry cordial. (See Cordial, Blackberry.)		Rheinstrom, Minna W.....	1430
Brandy, Apricot:		Cream of Hops:	
Pure Food Distilling Co.....	1435	Temperance Beverage Co.....	1420
Schlesinger & Bender.....	1248	"Crème de Cacao":	
Brandy, Blackberry:		Lyons, E. G., & Raas Co.....	1247
Pure Food Distilling Co.....	1435	"Crème de Cassis":	
Brandy, Cognac:		Lyons, E. G., & Raas Co.....	1247
Mangini, G., & Sons.....	1530	Crème de Menthe:	
Brandy, Ginger:		Lyons, E. G., & Raas Co.....	1511
Schlesinger & Bender.....	1248	Curaçao, Orange:	
Buchu gin. (See Gin, Buchu.)		Basilea & Calandra.....	1521
"Cacao, Crème de":		Lyons, E. G., & Raas Co.....	1247, 1511
Lyons, E. G., & Raas Co.....	1247	Damiana:	
"Cassis, Crème de":		Liebenthal Bros. & Co.....	1505
Lyons, E. G., & Raas Co.....	1247	Essence, Coffee. (See Coffee essence.)	
Champagne. (See Wine, Champagne.)		Extract, Malt. (See Malt extract.)	
Chateau Yquem:		Gin, Buchu:	
Napa & Sonoma Wine Co.....	1417	Lobe, Phillip, & Son.....	1480
Cherry soda-water flavor, Special wild:		Gin, Mobile Buck:	
Blue Seal Supply Co.....	1040	Blumenthal & Bickert (Inc.).....	1089
Cider:		Gin, Piccadilly dry:	
Tip Top Bottling Co.....	1362	Sutton, Carden & Co. (Ltd.).....	1347
Clarendon natural mineral spring water:		Gin, Turkey:	
Clarendon Mineral Spring Co.....	1392	Straus, Gunst & Co.....	1255
Murray, Robert.....	1392	Ginger ale:	
Clearo:		Beaufont Lithia Water Co.....	1026
Clearo Manufacturing & Bottling Works.....	1500	Ginger brandy. (See Brandy, Ginger.)	
Ogren, Charles F.....	1500	Grape juice:	
Coca Cola:		Bass Islands Vineyards Co.....	1348
Coca Cola Co.....	1455	Duroy & Haines Co.....	1283
Coffee:		Flickinger, S. M., Co.....	1045
Bour, J. M., Co.....	1286	Granger, W. H., & Co.....	1045
Brokaw Merchandise Co.....	1014	Grape Products Co. (Inc.).....	1045
Climax Coffee & Baking Powder Co.....	1017	Plimpton, Cowan & Co.....	1045
(suppl. to 55)		Hopcream:	
Force, W. H., & Co.....	1317	Ogren, Charles F.....	1497
International Coffee Co.....	1190, 1191, 1233	Hop tonic:	
Israel, Leon, & Bros.....	1084	Temperance Beverage Co.....	1420
Kenny, C. D., Co.....	1279	Jamaica Rum, Palmetto:	
McLaughlin, W. F., & Co.....	1112	Lyons, E. G., & Raas Co.....	1511
Mitchell Bros.....	1317	Malt extract:	
Smith Bros. Co. (Ltd.).....	1295	Hamm, Theodore, Brewing Co.....	1397
Wilde's, Samuel, Sons Co.....	1125	Maraschino:	
		Lyons, E. G., & Raas Co.....	1511
		Mobile Buck Gin:	
		Blumenthal & Bickert (Inc.).....	1089

BEVERAGES, INCLUDING WATERS AND MEDICATED DRINKS—Continued.

	N. J. No.		N. J. No.
Niersteiner:		Water, Clarendon natural mineral spring:	
Bettman-Johnson Co.	1452	Clarendon Mineral Spring Co.	1392
Orange curaçao. (<i>See</i> Curaçao, Orange.)		Murray, Robert.	1392
Palmetto Jamaica Rum. (<i>See</i> Rum, Palmetto Jamaica.)		Water, Royal lithia:	
Piccadilly Dry Gin:		Anderson, William H.	1032
Sutton, Carden & Co. (Ltd.)	1347	Water, Tate Spring natural mineral:	
Royal lithia water:		Tate Spring Co.	1140
Anderson, William H.	1032	Tomlinson, Oscar R.	1140
Rum, Palmetto Jamaica:		Water, Whittle's epsom-lithia:	
Lyons, E. G., & Raas Co.	1511	Whittle Springs Co.	1139
Sarsaparilla:		Whisky:	
Beaufont Lithia Water Co.	1466	McCormack, J. A.	1111
Sirup, Tamarind:		Whittle's epsom-lithia water:	
Bernogozzi, W. P.	1082	Whittle Springs Co.	1139
Soda-water flavor, Cherry:		Wine:	
Blue Seal Supply Co.	1040	Bettman-Johnson Co.	1483
Soda-water sirup cola:		Dorn, John G.	1016 (suppl. to 83)
Hutchinson, W. H., & Son.	1031	Schmidt, A., jr., & Bros. Wine Co.	1016
Special wild-cherry soda-water flavor:		(suppl. to 83)	
Blue Seal Supply Co.	1040	Sweet Valley Wine Co.	1016 (suppl. to 83)
Tamarind sirup. (<i>See</i> Sirup, Tamarind.)		Wine, Champagne:	
Tate Spring natural mineral water:		Bardenheier, John, Wine & Liquor Co. ...	1144
Tate Spring Co.	1140	Diamond Wine Co. (Inc.)	1144
Tomlinson, Oscar R.	1140	Finke's, A., Widow.	1020
Turkey gin. (<i>See</i> Gin, Turkey.)		Groezinger, Emile A.	1020
Vermouth:		Lyons, E. G., & Raas Co.	1247
Hirsch, S., Distilling Co.	1354	Ripin & Co.	1149
Minuet Cordial Co.	1354	Schraubstadter, Ernest.	1020
Water, Berry Hill mineral:		Wilson Fruit Juice Co.	1226
Berry Hill Mineral Spring Co.	1251	Wine, Chateau Yquem:	
		Napa & Sonoma Wine Co.	1417
		Wine, Niersteiner:	
		Bettman-Johnson Co.	1452

DRUGS.

	N. J. No.		N. J. No.
Antikamnia tablets:		Brain Restorative, Dr. Peeble's:	
Antikamnia Chemical Co.	1056	Peeble's, Dr., Institute of Health (Ltd.)..	1079
Antimalarico, Ferro-China:		Caldwell's, Dr., antipain tablets:	
Saunig, A., & Co.	1222	Horter, "John" W.	1545
Antipain tablets, Dr. Caldwell's:		Caldwell's, Dr., rheumatism cure:	
Horter, "John" W.	1545	Horter, "John" W.	1844
Asthma, Dr. Tucker's specific for:		Camphor:	
Tucker, Nathan.	1077	Middleton, L. D.	1428
Asthma cure, Stello's:		Cancer, Dr. Johnson's mild combination	
Muller, William H.	1079	treatment for:	
Baby's Friend, Kopp's:		Johnson, O. A.	1058 (suppl. to 266)
Kopp, Mrs. J. A.	1068	Catarrh cure, Hall's:	
Balsam, Denton's healing:		Cheney, F. J.	1182
Hall & Ruckel.	1464, 1465	Cheney Medicine Co.	1182
Beauty cream, Kintho:		Cerrodanie capsules:	
Kintho Mfg. Co.	1379	Cerrodanie Co.	1025
Beef, iron, and wine:		Jameson, Samuel H.	1025
Kent Drug Co.	1474	Cherry balsam, Dr. Kennedy's:	
Berry's freckle ointment:		Kennedy, Dr. David, Co.	1234
Berry, Dr. C. H., Co.	1376	Chewing gum. (<i>See</i> Gum, Chewing.)	
Bitters, Fernet-Branca:		Cholera mixture, Sun:	
Maiolatesi, D., & Co.	1284	Merchants' Drug Corporation.	1063
Bitters (Fernet Milano):		Coca calisaya:	
Italian Importing Co.	1152	Shepard Pharmacal Co.	1219
Bitters, Ferro-China Bisleri-Bisleri's:		Cocktail, gold medal coffee:	
Maiolatesi, D., & Co.	1284	Mihalovitch Co.	1282
Boro Pepsin, Laxative:		Cod-liver oil cream, Morse's:	
Senoret Chemical Co.	1232	Morse, Hazen.	1221

DRUGS—Continued.

	N. J. No.	Hydrogen peroxid:	N. J. No.
Coderre's Infants' sirups:		Langley & Michaels Co.....	1390
Mortimer, George, & Co.....	1277	Meyer Bros. Drug Co.....	1539
Coffee cocktail, gold medal:		Infants' sirup, Coderre's:	
Mihalovitch Co.....	1282	Mortimer, George, & Co.....	1277
Colocyath, powdered:		Iron, and wine, Beef:	
Woodward, Allaire, & Co.....	1012	Kent Drug Co.....	1474
Cough drops, Williams' Russian:		Johnson's, Dr., mild combination treatment	
Williams, J. D., & Bro. Co.....	1197	for cancer:	
Cream, Morse's (cod-liver oil):		Johnson, O. A.....	1058 (suppl. to 266)
Morse, Hazen.....	1221	Kamala round:	
Croup remedy, Hoxsie's:		Woodward, Allaire & Co.....	1011
Kells Co.....	1218	Kennedy's, Dr., cherry balsam:	
Denton's healing balsam:		Kennedy, Dr. David, Co.....	1234
Hall & Ruckel.....	1464, 1465	Kennedy's, Dr., Herculine tonic:	
Detchon's, Dr., relief for rheumatism:		Kennedy, Dr. David, Co.....	1234
Detchon, I. A.....	1091	Kennedy, Dr., worm sirup:	
Detchon's, Dr., relief for rheumatism tablets:		Kennedy, Dr. David, Co.....	1234
Detchon, I. A.....	1091	Kintho beauty cream:	
Dixie fever and pain powder:		Kintho Mfg. Co.....	1379
Morris-Morton Drug Co.....	1178	Kline's, Dr., Great nerve restorer:	
Drug-habit cure:		Kline, Dr. R. H., Co.....	1070
St. James Society.....	1291	Kopp's Baby's Friend:	
Epilepsy cure:		Kopp, Mrs. J. A.....	1068
Peeble's, Dr., Institute of Health (Ltd.)..	1079	La Sanadora:	
Epilepsy remedy, Dr. Lindley's:		Romero, Benigo.....	1076
Hollowell, A. K.....	1093	Laudanum:	
New Vienna Medicine Co.....	1093	Merchants' Drug Corporation.....	1063
Epilepsy treatment, Dr. Towns's:		Laxative Boro Pepsin:	
Towns's Dr., Medical Co.....	1170	Senoret Chemical Co.....	1232
Fernet-Branca bitters:		Lindley's, Dr., epilepsy remedy:	
Maiolatesi, D., & Co.....	1284	Hollowell, A. K.....	1093
(Fernet milano) bitters:		New Vienna Medicine Co.....	1093
Italian Importing Co.....	1152	Moffett's, Dr., Teethina:	
Ferro-China Antimalarico:		Flourney, T. N.....	1019
Saunig, A., & Co.....	1222	Moffett, C. J., Medicine Co.....	1019
Ferro-China Bisleri-Bisleri's bitters:		Morphine cure:	
Maiolatesi, D., & Co.....	1284	Lexington Drug & Chemical Co.....	1495
Fever and pain powder, Dixie:		Morse's cream:	
Morris-Morton Drug Co.....	1178	Morse, Hazen.....	1221
Freckle ointment, Berry's:		Nerve-tonic, Dr. Peeble's:	
Berry, Dr. C. H., Co.....	1376	Peeble's, Dr., Institute of Health (Ltd.)..	1079
German headache powder:		Nerve restorer, Dr. Kline's great:	
Tallman, Warren D.....	1350	Kline, Dr. R. H., Co.....	1070
Gessler's magic headache wafers:		Niter, Sweet spirits of:	
Gessler, Max.....	1051	Merchants' Drug Corporation.....	1063
Gold medal coffee cocktail:		Oxidine:	
Mihalovitch Co.....	1282	Patton-Worsham Drug Co.....	1035
Gum, chewing:		Pain powder, Dixie fever and:	
Sterling Remedy Co.....	1078	Morris-Morton Drug Co.....	1178
Hair balsam:		Peck's headache powders:	
Wells, E. S.....	1228	Peck-Johnson Co.....	1157
Hall's catarrh cure:		Peeble's, Dr., Brain Restorative:	
Cheney, F. J.....	1182	Peeble's, Dr., Institute of Health (Ltd.)..	1079
Cheney Medicine Co.....	1182	Peeble's, Dr., Nerve-Tonic:	
Headache powder, German:		Peeble's, Dr., Institute of Health (Ltd.)..	1079
Tallman, Warren D.....	1350	Pepsin, Laxative Boro:	
Headache powders, Peck's:		Senoret Chemical Co.....	1232
Peck-Johnson Co.....	1157	Peroxid cream, A. D. S.:	
Headache wafers, Gessler's magic:		American Druggists Syndicate.....	1194
Gessler, Max.....	1051	Peroxide of hydrogen. (See Hydrogen per-	
Herculine tonic, Dr. Kennedy:		oxid.)	
Kennedy, Dr. David, Co.....	1234	Pink root:	
Hoxie's croup remedy:		Rosenbaum, Isaac & Sons.....	1339
Kells Co.....	1218		

DRUGS—Continued.

	N. J. No.		N. J. No.
Radio-sulpho:		Teethina, D. Moffett's:	
Schuch, Philip, Jr.	1049	Flourney, T. N.	1019
Radio-sulpho brew:		Moffett, C. J., Medicine Co.	1019
Schuch, Philip, Jr.	1049	Towns', Dr., epilepsy treatment:	
Rheumatic cure:		Towns', Dr., Medical Co.	1170
Fitch Remedy Co.	1024	Tucker's, Dr., specific for asthma:	
Rheumatism, Dr. Detchon's relief for:		Tucker, Nathan.	1077
Detchon, I. A.	1091	Turpentine:	
Rheumatism cure, Dr. Caldwell's:		American Coffee Co.	1443
Horter, "John" W.	1544	Bang, Charles.	1373
Rheumatism tablets, Dr. Detchon's relief for:		Barclay Naval Stores Co.	1373
Detchon, I. A.	1091	Gilman, Z. D.	1022
Senna, Alex., powdered:		Pennsylvania Alcohol & Chemical Co.	1124
Huber & Fuhrman Drug Mills.	1009, 1010	Vermifuge, Sweet's honey:	
Soothing sirup, Wood's:		Van Vleet-Mansfield Drug Co.	1113
Wood, William J.	1322	"Vino Vito":	
Stello's asthma cure:		American Cordial & Distilling Co.	1215
Muller, William H.	1179	Williams's Russian cough drops:	
Sun cholera mixture:		Williams, J. D., & Bro. Co.	1197
Merchants' Drug Corporation.	1063	Wine, beef, iron, and:	
Sweet spirits of niter:		Kent Drug Co.	1474
Merchants' Drug Corporation.	1063	Wood's soothing sirup:	
Sweet's honey vermifuge:		Wood, William J.	1322
Van Vleet-Mansfield Drug Co.	1113	Worm syrup, Dr. Kennedy's:	
		Kennedy, Dr. David, Co.	1234

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1551.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CONSUMPTION CURE.

At a stated term of the Circuit Court of the United States for the Southern District of New York, begun and held the first Monday of March, 1910, the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Maurice C. Schlesinger, doing business under the firm name of Bendiner & Schlesinger, New York, N. Y., charging shipment by him, in violation of the Food and Drugs Act, on or about March 17, 1909, from the State of New York into the State of New Jersey of a certain package composed of an outer carton or container and a number of inner packages; that inner package No. 1 consisted of a pasteboard box containing a circular entitled "Special Advice to Professor Hoff's Patients", and containing also a bottle in which was a quantity of a certain drug; that said pasteboard box was labeled, in part: "Prof. Hoff's Cure for Consumption. Bendiner & Schlesinger, Chemists, N. Y. (Trade Mark). Professor Hoff's Cure for Consumption. A positive remedy from the recipe of the author. One month's medicine. \$1.00 per bottle, or 6 bottles for \$5.00, express prepaid. Bendiner & Schlesinger, Chemists, Third Ave. & Tenth St., New York, American Bureau Prof. Hoff's Cure for Consumption." That the circular entitled "Special Advice to Professor Hoff's Patients" contained in the pasteboard box stated, among other things on page 3: "Were the lungs alone affected, Professor Hoff's Consumption Cure could be relied upon without the assistance of any thing else to rid the system entirely of the consumption germs. But the kidneys, the stomach, the liver and the entire digestive tract are all weakened by Consumption and are most likely to require at least a tonic treatment in order that the Professor Hoff Consumption Cure may take hold and do its work." That the bottle containing the drug in inner package No. 1 was labeled: "Prof. Hoff's Cure for Consumption. Bendiner & Schlesinger, Chemists, N. Y. Trade Mark Prof. Hoff's Cure for Consumption. After the true recipe of the

author. Bendiner & Schlesinger, Chemists, Third Ave. & Tenth St., New York."

Analysis of this product by the Bureau of Chemistry of this Department showed the following results: "No alcohol; morphin in 100 cc., 0.1171 gram; cinnamic acid in 100 cc., 3.033 grams; potassium present; arsenic present." Misbranding was alleged in the information as to this product for the reason that the printed statements on the box regarding said product were false and misleading, in that the drug was not a "cure" for consumption, nor a "positive remedy" for said disease, and in that there was not on the pasteboard box any statement or indication of the fact that the drug contained morphin, whereas in fact the drug contained in the bottle in the box did contain morphin to the amount of 0.1171 gram per 100 cc., and was further misbranded, in that the statement in the circular regarding said drug was false and misleading, in that the drug would not rid the system entirely of the germs of consumption even if a tonic treatment were applied in conjunction therewith "in order that the Professor Hoff Consumption Cure" should "take hold and do its work," and for the further reason that the label on the bottle regarding said product was false and misleading, in that said product was not a "cure" for consumption.

Inner package No. 2 consisted of a pasteboard box containing a quantity of a certain drug. This product was labeled in part: "Superlatone (Trade Mark) The Highest Form of a Tonic. Composed of the combined Glycero Phosphates of Calcium, Sodium, Iron, Manganese and the Phosphates of the alkaloids of Nux Vomica in proper proportions." Analysis of this product by the Bureau of Chemistry of this Department showed the following results: "Manganese, calcium, sodium, strychnine, phosphoric acid present. No iron." Misbranding was alleged in the information as to this product for the reason that the printed statement regarding said product was false and misleading, because in truth and in fact it contained no iron whatsoever.

Inner package No. 3 consisted of a pasteboard box containing a bottle which bottle contained a quantity of a certain drug. This product was labeled in part: "Adjunct Cough Mixture Used in Conjunction with Prof. Hoff's Cure for Consumption." Analysis of this product by the Bureau of Chemistry of this Department showed the following results: "Alcohol 2.66 per cent; codeine in 100 cc., 0.1904 gram; chloroform in 100 cc., 0.26 gram." Misbranding was alleged as to this product for the reason that it bore no label or printed statement whatsoever indicating that it contained alcohol; whereas in truth and in fact it contained alcohol in the proportion of 2.66 per cent.

Inner package No. 4 consisted of a pasteboard box containing a bottle, which bottle contained a quantity of a certain drug. The box containing this product was labeled, in part: "Concentrated Appolozzer's Mixture After the Formula of Prof. Hoff To be used in conjunction with Prof. Hoff's Cure for Consumption Only where there is excessive fever." And the bottle contained in the box was labeled: "Concentrated Appolozzer's Mixture After the Formula of Prof. Hoff. To be used in conjunction with Prof. Hoff's Cure for Consumption Only where there is excessive fever. Directions: Teaspoonful in water three times a day. Bendiner & Schlesinger, Manufacturing Chemists, Third Avenue and 10th Street, New York City. Shake the Bottle. This concentration adopted 1908. $2\frac{1}{2}\%$ alcohol." Analysis of this product by the Bureau of Chemistry of this Department showed the following: "Alcohol, 7.88 per cent; alkaloïds in 100 cc., 1.932 grams; quinine present." Misbranding was alleged as to this product for the reason that the box containing it bore no label or printed statement whatsoever indicating that it contained alcohol, whereas in truth and in fact it contained alcohol in the proportion of upward of 7 per cent, and for the further reason that the label on the bottle contained in the box regarding the contents of said bottle was false and misleading, in that said label indicated the proportion of alcohol contained in said drug at $2\frac{1}{2}$ per cent, whereas in truth and in fact the proportion of alcohol in said drug was upward of 7 per cent.

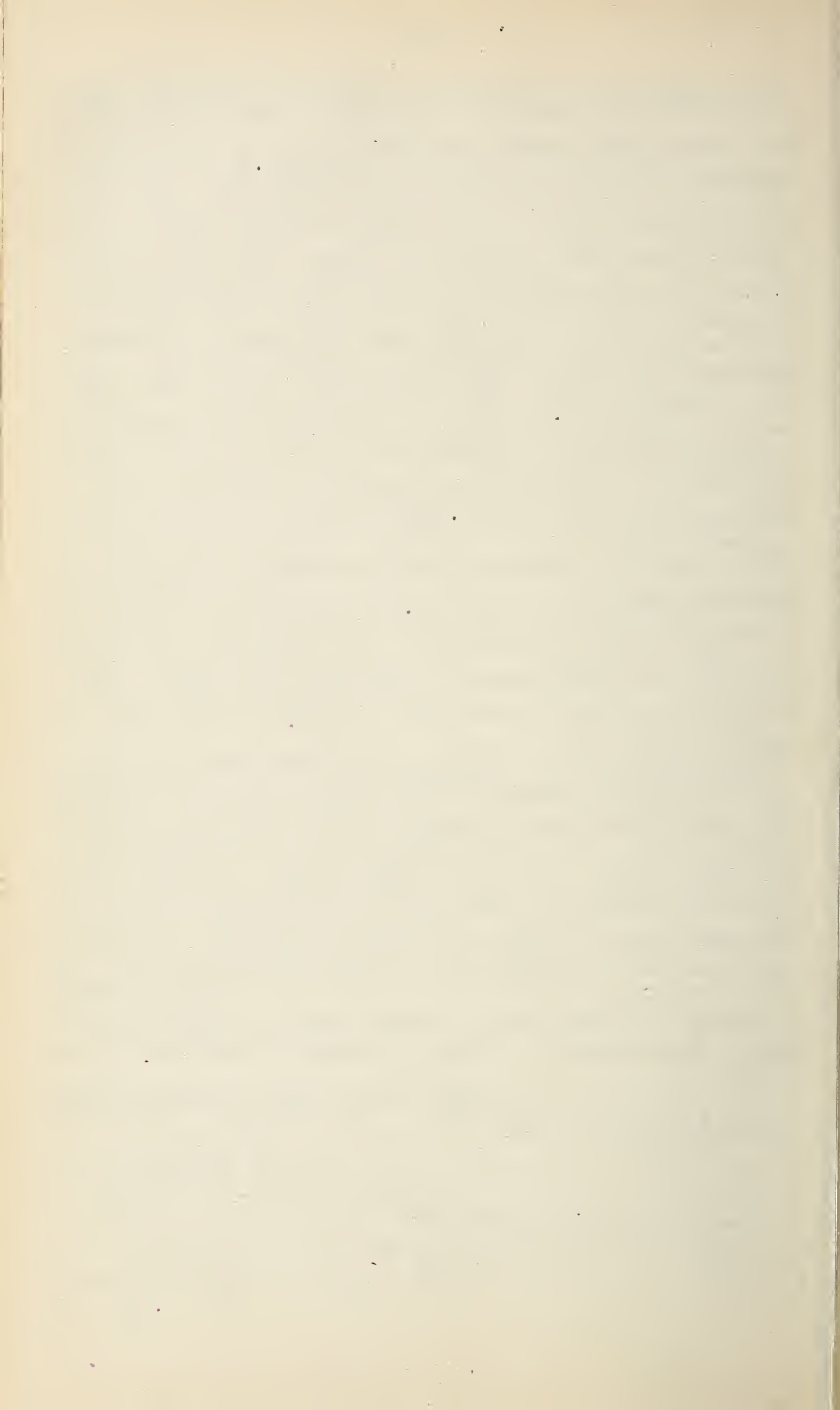
Inner package No. 5 consisted of a pasteboard box containing a bottle, which bottle contained a certain drug in the form of tablets. This product was labeled, in part: "Kodal Tablets, An Adjunct Medicine to be used with Prof. Hoff's Cure for Consumption as a relief for insomnia and to relieve night sweats." Analysis of this product by the Bureau of Chemistry of this Department showed the following results: "Codeine per tablet, 0.0156 gram." Misbranding was alleged as to this product for the reason that there was on the pasteboard box containing the drug no label or printed statement whatsoever indicating that it contained codeine, whereas in truth and in fact it contained codeine to the amount of 0.0156 gram per tablet.

On April 1, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., May 31, 1912.



Issued August 3, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1552.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF MUSTARD.

On February 5, 1912, the United States Attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed informations in the District Court of the United States for said district against the Farmers Loan & Trust Co., a corporation (Alart & McGuire), and Henry B. Corey, New York, N. Y., alleging shipment by them, in violation of the Food and Drugs Act—

(1) On or about January 30, 1911, from the State of New York into the State of Pennsylvania, of a consignment of mustard which was alleged to have been misbranded. The product was labeled: "Gold Seal Selected Quality Mustard Registered U. S. Patent Office 1907. Composed of selected mustard seed ground in distilled vinegar, flavored with choice spices. Alart & McGuire New York." "Anchovy, Trieste. 'Creole' and No. 1. This condiment contains 15% per cent mustard seed, ground in distilled vinegar, flavored with salt, pepper and other choice spices."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results:

	Per cent.
Crude fiber (fat, salt, and water free basis)-----	10.03
Protein (fat, salt, and water free basis)-----	39.42
Total solids-----	20.8
Turmeric present.	

Misbranding was alleged in the information for the reason that the label regarding the product and the substances and ingredients contained therein was false and misleading and the product was labeled so as to deceive and mislead the purchaser, in that the label would indicate that the product consisted of a mixture of ground

mustard seed and distilled vinegar flavored with choice spices, whereas in truth and in fact it consisted of ground mustard seed, vinegar, spices, and turmeric, the said turmeric being an artificial coloring matter and not one of the normal ingredients of prepared mustard.

(2) On or about November 15, 1910, from the State of New York into the State of Georgia, of a consignment of mustard which was alleged to have been misbranded. The product was labeled: "Extra Quality Prepared Mustard Preserved with .001 of Benzoate of Soda. Guaranteed under the Food and Drugs Act of June 30, 1906. Serial Number 1281. Alart & McGuire, New York."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

	Per cent.
Total solids.....	17.1
Crude fiber (water, fat, and salt free basis).....	8.4
Protein (water, fat, and salt free basis).....	39.6
Turmeric present.....	.5

Misbranding was alleged in the information for the reason that the label regarding the product and the substances and ingredients contained therein was false and misleading, and further, the product was labeled so as to deceive and mislead the purchaser in that said label would indicate that the product was prepared mustard, whereas, in truth and in fact, it was not prepared mustard but a mixture of ground mustard, vinegar, spices, charlock, and turmeric, which said charlock and turmeric were not normal ingredients of prepared mustard.

The above cases having been brought on for trial before the court and jury April 1, 1912, upon motion of the defendant, the court directed the jury to find a verdict of not guilty.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1553.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On August 3, 1911, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 barrels of vinegar remaining unsold and in the original unbroken packages in possession of the R. N. Fitzgerald Co., Hartford, Conn., alleging that the product had been shipped on or about July 3, 1911, by Place Bros., of Oswego, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Pure Cider Vinegar—Bon Ton Brand—Sold by the R. N. Fitzgerald Co., Hartford, Conn. Test No. 13 Cider Vinegar, manufactured by Place Bros., Oswego, N. Y. Guaranty Legend Place Bros."

Adulteration was alleged in the libel for the reason that the product sold and invoiced as pure cider vinegar was composed of a mixture of dilute acetic acid or distilled vinegar and a product high in reducing sugars which had been prepared in imitation of and substituted for pure cider vinegar. Misbranding was alleged for the reason that the product was shipped, transported, and delivered as pure cider vinegar, having been sold and invoiced as such, and having the appearance of pure cider vinegar, and having been contained during the said shipment, transportation, and delivery in barrels or in individual packages branded "Pure Cider Vinegar—Bon Ton Brand—Sold by the R. N. Fitzgerald Co., Hartford, Conn., Test No. 13 Cider Vinegar, manufactured by Place Bros., Oswego, N. Y. Guaranty Legend Place Bros.," whereas said product was actually and as a matter of fact not pure cider vinegar but a certain other

product, to wit, a mixture of dilute acetic acid or distilled vinegar and a product high in reducing sugars, which had been prepared in imitation of and substituted for pure cider vinegar.

On March 27, 1912, the claimants, B. A. and F. L. Place, having appeared in court and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that upon the payment of the costs of the proceedings and execution and delivery of a good and sufficient bond in conformity with section 10 of the Act, the 44 barrels of the product that had been seized should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1912.*

1553



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1554.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On August 23, 1911, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 barrels of vinegar remaining unsold and in the original unbroken packages, in the possession of the F. C. Bushnell Co., New Haven, Conn., alleging that the product had been shipped on or about July 29, 1911, by Place Bros., Oswego, N. Y., and transported from the State of New York into the State of Connecticut, charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranty legend, Place Bros., Cider Vinegar. Oswego, N. Y. Extra—Farm Orchard Brand—Not made by a Trust—Test No. 19—Pure Cider Vinegar Made from Apples."

Adulteration was alleged in the libel for the reason that the product was composed in whole or in part of a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and a foreign mineral matter mixed and prepared in imitation of and substituted for pure cider vinegar. Misbranding was alleged for the reason that the product was shipped, sold, and invoiced as pure cider vinegar, and had the appearance of pure cider vinegar and was contained during the shipment, transportation, and delivery in barrels or individual packages, branded "Guaranty legend, Place Bros., Cider Vinegar. Oswego, N. Y., Extra—Farm Orchard Brand—Not made by a Trust—Test No. 19—Pure Cider Vinegar Made from Apples.", whereas said product was actually, as a matter of fact, not pure cider vinegar but a certain other product, to wit, a mixture of a dilute solution of acetic acid or distilled vinegar and a product

high in reducing sugars and foreign mineral matter mixed and prepared in imitation of cider vinegar.

On March 27, 1912, the claimants, B. A. and F. L. Place, having consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment by the claimants of all the costs in the proceedings and the execution by them of a good and sufficient bond in conformity with section 10 of the Act, the 52 barrels of vinegar which had been seized by the United States marshal should be released and delivered to said claimants.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1912.*

1554



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1555.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On August 22, 1911, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 barrels of vinegar, remaining unsold in the original unbroken packages in the possession of Bill Bros., Hartford, Conn., alleging that the product had been shipped on or about June 29, 1911, by Place Bros., Oswego, N. Y., from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each barrel was labeled: "Pure Cider Vinegar—Bon Ton Brand—sold by The R. N. Fitzgerald Co., Hartford, Conn. Test No. 13 Cider Vinegar, Manufactured by Place Bros., Oswego, N. Y."

Adulteration was alleged in the libel for the reason that the product was composed in whole or in part of a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and added mineral matter mixed and prepared in imitation of and substituted for pure cider vinegar. Misbranding was alleged for the reason that the product was shipped, transported, and delivered as pure cider vinegar, having been sold and invoiced as such and having the appearance of pure cider vinegar, and having been contained during shipment, transportation, and delivery in barrels or individual packages branded: "Pure Cider Vinegar—Bon Ton Brand—sold by the R. N. Fitzgerald Co., Hartford, Conn. Test No. 13 Cider Vinegar, Manufactured by Place Bros., Oswego, N. Y.," whereas the product was actually and as a matter of fact not pure cider vinegar but a certain other product, to wit, a mixture of a dilute solution of

acetic acid or distilled vinegar and a product high in reducing sugars and added matter mixed and prepared in imitation of cider vinegar.

On January 16, 1912, the case having been brought to trial before a jury a verdict in favor of the United States was rendered. On March 27, 1912, a decree of condemnation and forfeiture was entered against the 57 barrels of the product which had been seized and it was further ordered that upon payment of the costs and the presentation of a bond in an amount satisfactory to the United States Attorney for said district on or before April 2, 1912, by B. A. Place and F. L. Place, of Oswego, N. Y., claimants, in conformity with section 10 of the Act, the product should be released to said claimants, otherwise the goods to be sold by the United States marshal after obliteration of the brands thereon.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1912.*

1555



Issued August 3, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1556.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF BUTTER.

On or about October 20, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Aimee Lopez, doing business under the firm name and style of V. Lopez & Co., New York, N. Y., charging shipment by him, in violation of the Food and Drugs Act, on or about December 31, 1909, from the State of New York into the State of North Carolina, of a consignment of butter which was adulterated. The product was labeled: "V. Lopez & Co., New York, U. S. A. Packers of the Celebrated Blue Ribbon Brand Superior Butter, Guaranteed Absolutely Pure."

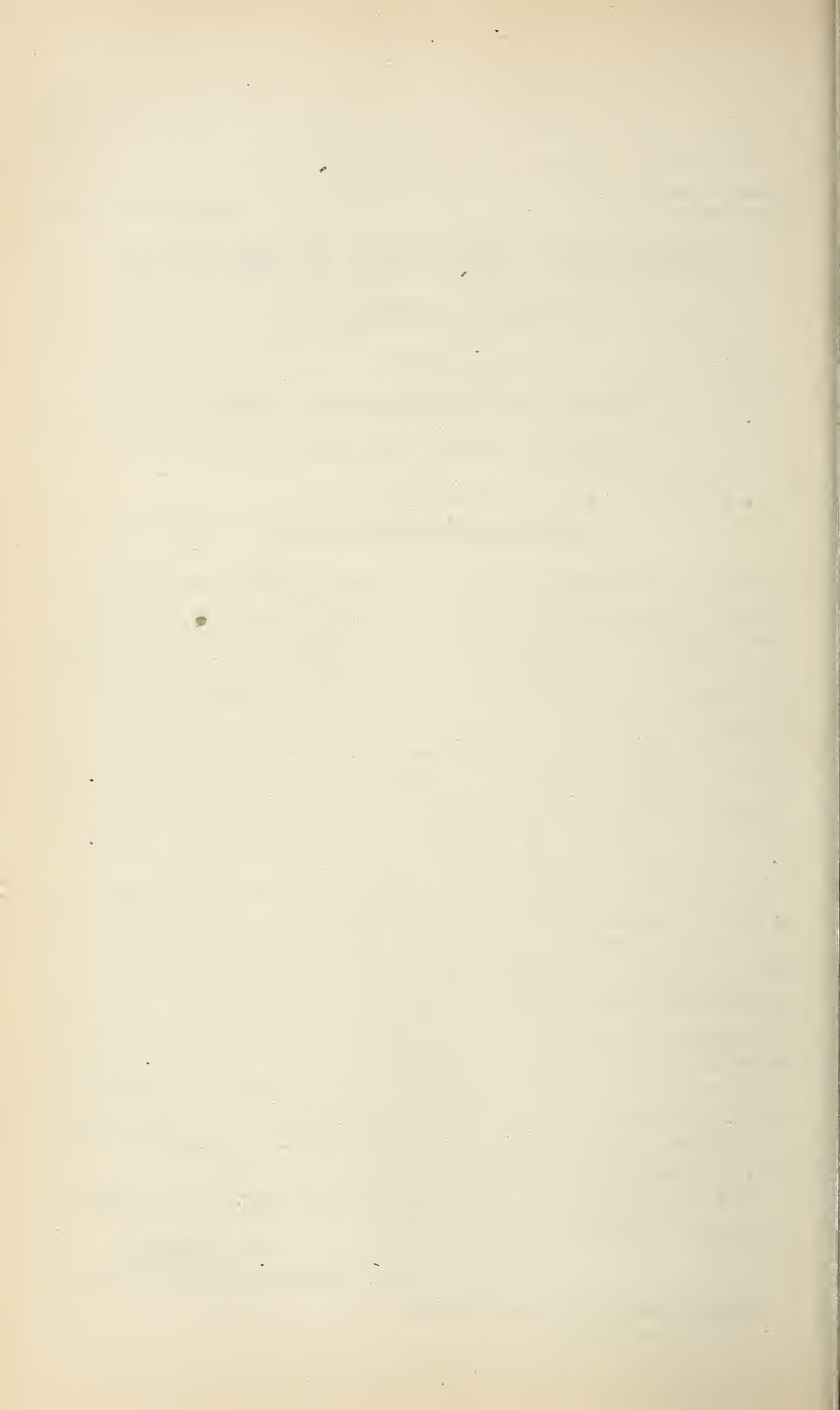
Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Water, 24.04 per cent; Reichert Meissl number, 23.31; refractive index at 25° C., 50.85. Product is adulterated and misbranded in that it is not a superior butter and contains an excessive amount of water. The case was reported for prosecution upon charges of adulteration and misbranding of the product. Adulteration only was charged in the information and upon the ground that certain substances other than pure butter, to wit, water, had been mixed with the product so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for said product.

On February 26, 1912, a plea of guilty was entered by the defendant and the court imposed a fine of \$10.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 3, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1557.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

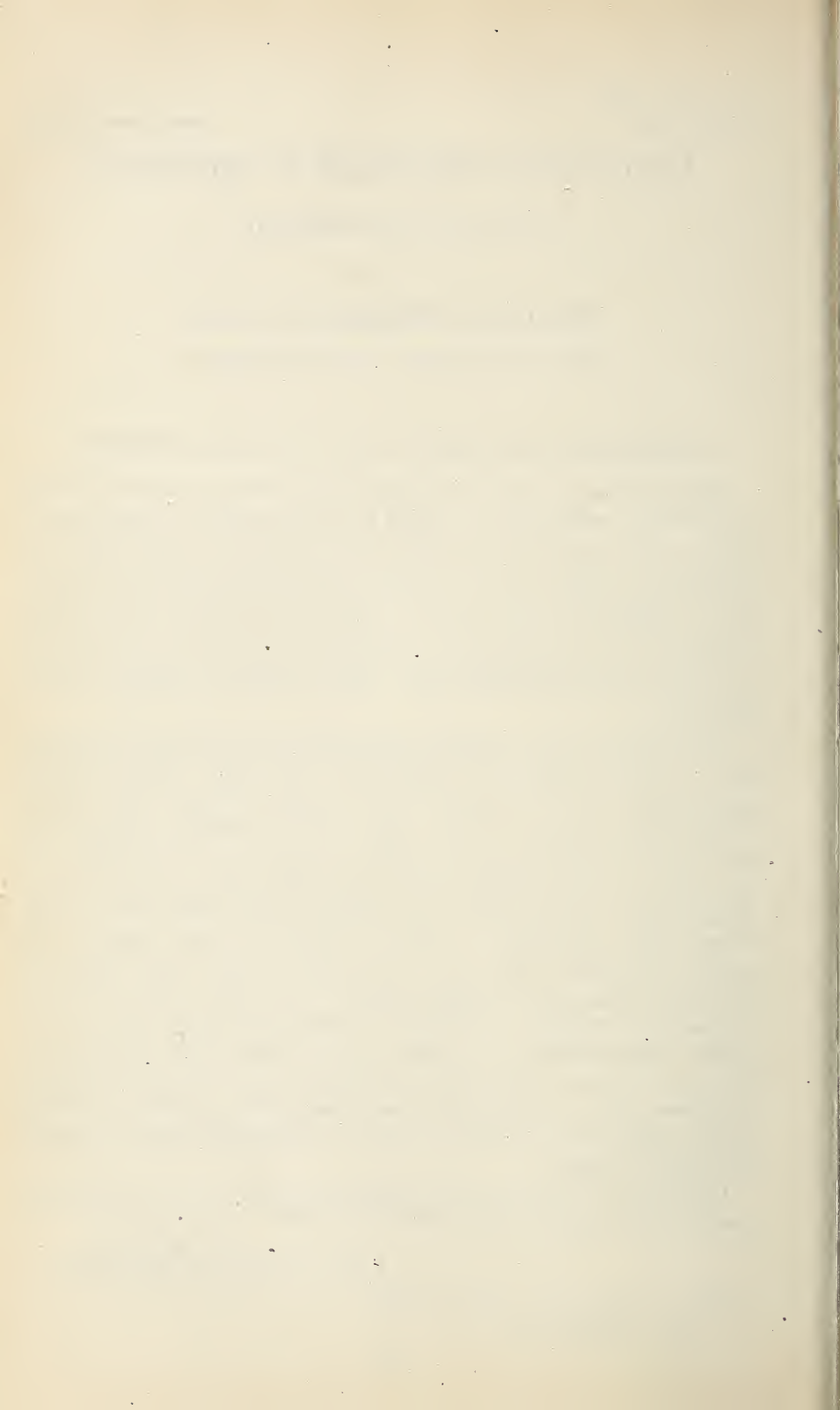
On September 29, 1910, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the R. Hardesty Manufacturing Co., Denver, Colo., alleging shipment by it, in violation of the Food and Drugs Act, on March 25, 1910, from the State of Colorado into the State of Texas of a consignment of 5 pounds of flavoring extract which was adulterated and misbranded. The product was labeled: "Oleo-de-Vanil".

Examination of the sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity 15.6° C., 1.1780; alcohol (per cent by volume), 16.25; methyl alcohol (per cent by volume), none; solids, including glycerol, 65 per cent; ash, 0.39 per cent; vanillin, 4.07 per cent; coumarin, 1.57 per cent; no resins detected; lead precipitate, none; color, caramel. Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation vanilla product, was mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that the product was colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label on the product was in such form and manner as to cause the purchaser to believe and to indicate that the product was in truth a product of the vanilla bean, whereas it was an artificially colored imitation product of vanilla.

On January 19, 1912, a plea of guilty was entered by the defendant and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 4, 1912.



United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1558.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF ICE CREAM CONES.

On September 2, 1910, the United States Attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 crates containing 720 boxes of ice cream cones in the possession of the Star Wafer Co., a corporation, Birmingham, Ala., alleging that the product had been shipped from the State of Oklahoma into the State of Alabama, date of shipment not shown, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Ice Cream Cones, Star Wafer Co., Oklahoma City, Okla."

Adulteration of the product was alleged in the libel for the reason that the ice cream cones contained boric acid or its salts.

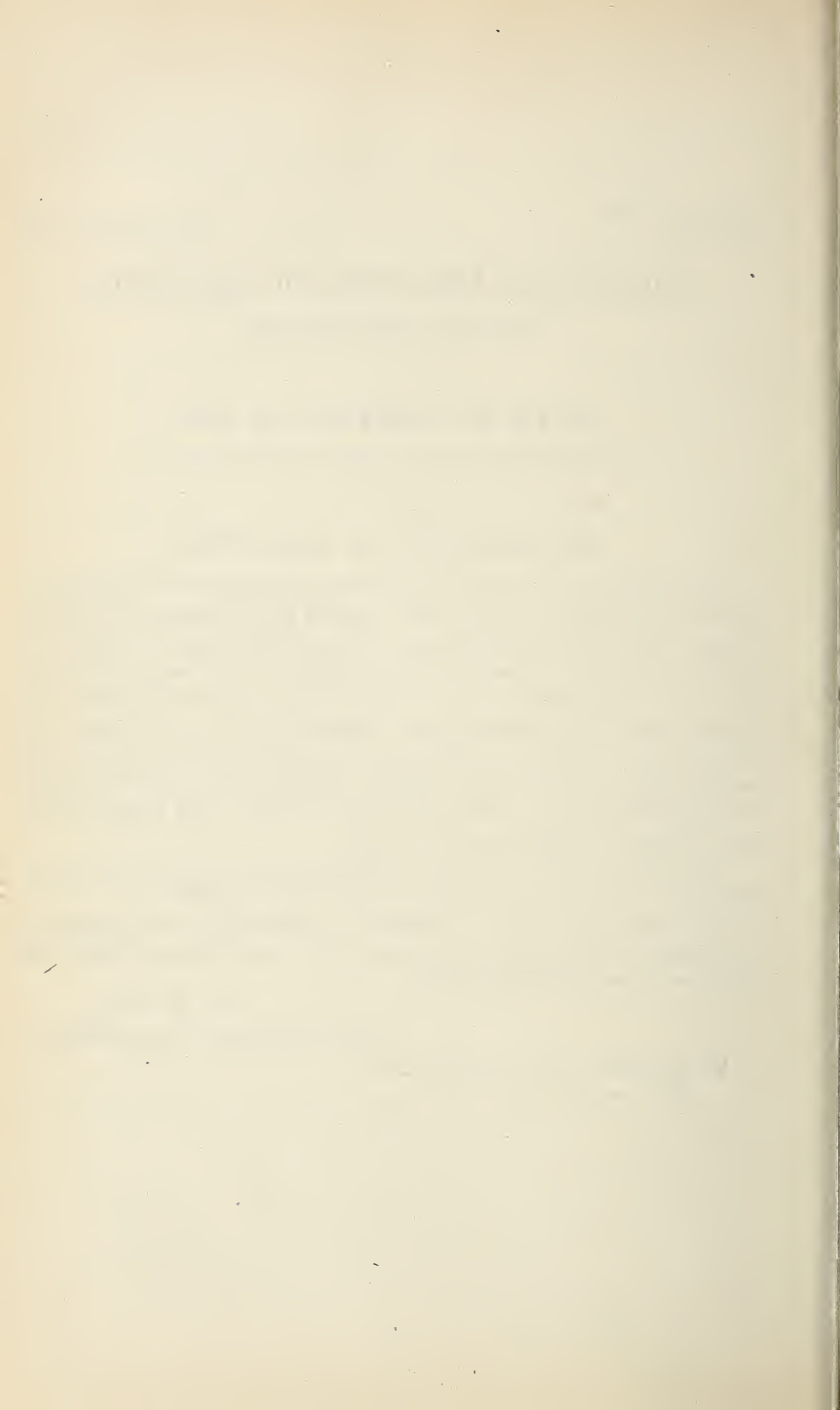
On September 6, 1911, a decree of condemnation and forfeiture was entered in the above-entitled case and it was further ordered that the product should be destroyed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*

50669°—No. 1558—12





Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1559.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF MILK.

At the November, 1911, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Christ Kruse, late of said district, charging shipment by him, in violation of the Food and Drugs Act, on June 9, 1910, from the State of Indiana into the State of Ohio, of a consignment of milk which was adulterated. Adulteration was alleged in the indictment for the reason that water had been mixed with the product so as to reduce and lower its quality and strength.

On November 21, 1911, the case having come on to be tried by a jury, the following verdict was rendered: "We the jury find the defendant guilty as charged in the indictment," and thereupon the court sentenced him to pay a fine of \$25 and costs, and further ordered that he should stand committed until the fine and costs were paid.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 4, 1912.*

50673°—No. 1559—12





Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1560.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EXTRACT OF DAMIANA WITH SAW PALMETTO.

On March 1, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Allan-Pfeiffer Chemical Co., a corporation, of St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about May 3, 1910, from the State of Missouri into the State of Illinois of a consignment of Allan's Compound Extract of Damiana with Saw-Palmetto, which was misbranded. The product was labeled: (On package or carton) "Allan's Compound Extract of Damiana with Saw-Palmetto Alcohol 27½%. The Great Sexual Tonic Nerve and Brain Remedy. For lost manhood, Hysteria, Dizziness, Convulsions, Nervous Prostrations, Premature Old Age, etc. (guaranty clause) Guaranty No. 1991. Allan-Pfeiffer Chemical Co., Manufacturing Chemists St. Louis, Mo. Compound Extract of Damiana with Saw Palmetto The Great Sexual Tonic. * * * Compound Extract of Damiana with Saw Palmetto is a great Nerve and Brain Remedy. For Lost Manhood, Irritability, Mental Depression, Palpitation of the Heart, Weak Memory, Exhausted Vitality, Errors of youth." (On bottle) "Allan's Compound Extract of Damiana with Saw Palmetto. 27½% Alcohol. Recommended for Lost Manhood, Hysteria, * * * Directions * * *. Allan-Pfeiffer Chemical Co., * * * St. Louis, Missouri."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Resin, glycerin, extractive material from damiana, saw-palmetto, and probably sumbul; the balance of the product being water and a small quantity of

volatile oil. Misbranding of the product was alleged in the information for the reason that the label upon the product bore statements, designs, and devices regarding said product and the ingredients and substances contained therein which were false and misleading because they created the impression and belief that said product consisted essentially of extract of damiana with saw-palmetto, whereas in fact it consisted of numerous other ingredients and substances which rendered it deceptive and misleading to label and brand it as extract of damiana with saw-palmetto, and to create and convey the impression and belief to the advantage and benefit of the manufacturer that extract of damiana with saw-palmetto was present in considerable and beneficial quantities, whereas it was not so present. Misbranding was further alleged for the reason that the statement "the great sexual tonic" upon said label and package as aforesaid was deceptive, false, and misleading for the reason that it created and conveyed the impression and belief that said product was a great sexual tonic and possessed aphrodisiac properties beneficial in sexual disorders and the properties of a sexual tonic, whereas in fact it had no such properties, and for the further reason that it was an imitation of and was offered for sale under the name of another article, to wit, "extract of damiana with saw-palmetto".

On March 18, 1912, the defendant company entered a plea of guilty and the court imposed a fine of \$10 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 4, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1561.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF VANILLA BEAN SUGAR.

On March 18, 1911, the United States Attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against the Rex Extract Co., a corporation, Brooklyn, N. Y. alleging shipment by it, in violation of the Food and Drugs Act, on or about July 7, 1910, from the State of New York into the State of Massachusetts of a consignment of one case containing 12 cans of vanilla bean sugar which was misbranded. Each can of the product was labeled: "1 lb. Vanilla Bean Sugar. 50% bean. 50% Sugar. Rex Extract Company. Lion Brand, Highly concentrated flavorings for manufacturers use—New York. Guaranteed under the Pure Food and Drugs Act June 30th 1906. Serial No. 2566."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Contents of can, 1.006 pounds; sucrose, 60.97 per cent; coumarin, none; vanillin, 0.32 per cent. Misbranding was alleged in the information for the reason that the label on the product bore statements, designs, and devices regarding it and the ingredients and substances contained therein which were false and misleading in that the label contained a statement that the product contained 50 per cent bean and 50 per cent sugar, whereas in truth and in fact it contained only 40 per cent bean.

On January 29, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10.

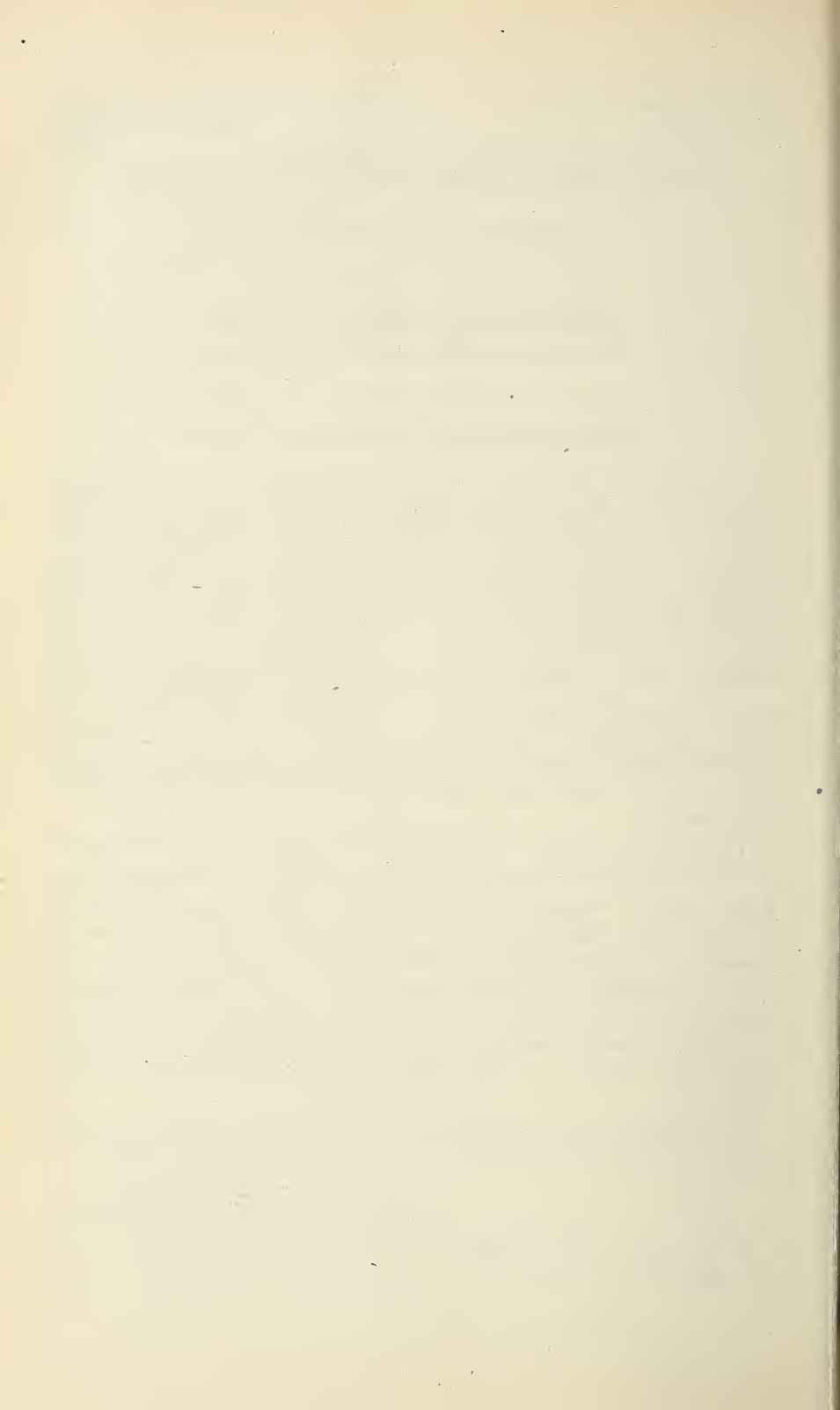
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 4, 1912.*

50673°—No. 1561—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1562.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On June 6, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 barrels of vinegar remaining unsold in the original unbroken packages and in possession of Stone Ordean Wells Co., Duluth, Minn., alleging that this product had been shipped on May 5, 1911, by the Oakland Vinegar & Pickle Co., Saginaw, Mich., and transported from the State of Michigan into the State of Minnesota and charging adulteration and misbranding in violation of the Food and Drugs Act. The Product was labeled: "4½ Per Cent Acetic Acid Wampum Pure Sugar Vinegar 50 Gals. Manufd by Oakland Vinegar and Pickle Co., Saginaw, Mich."

Adulteration of the product was alleged in the libel for the reason that alcoholic distillates and distilled vinegar had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength and that said alcoholic distillates and distilled vinegar had been substituted wholly or in part for the article, to wit, pure sugar vinegar. Misbranding was alleged in the libel for the reason that the label on the product bore a statement which was false and misleading in that it was described as pure sugar vinegar, whereas in truth and in fact it was distilled vinegar. The product was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, "pure sugar vinegar", and further in that it was labeled and branded so as to deceive and mislead the purchaser, by representing that it was pure sugar vinegar, while in truth and in fact one of its ingredients was alcoholic distillates and distilled vinegar.

On January 10, 1912, the Oakland Vinegar & Pickle Co., which had appeared as claimant, withdrew its answer and consented to a decree. On January 27, 1912, a decree of condemnation and forfeiture was entered and it was further ordered that upon payment of costs by said claimant and the execution of a bond by it in conformity with section 10 of the Act, fixed by the court at \$500, the 67 barrels of the product that had been seized should be released to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 5, 1912.*

1562



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1563.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO KETCHUP.

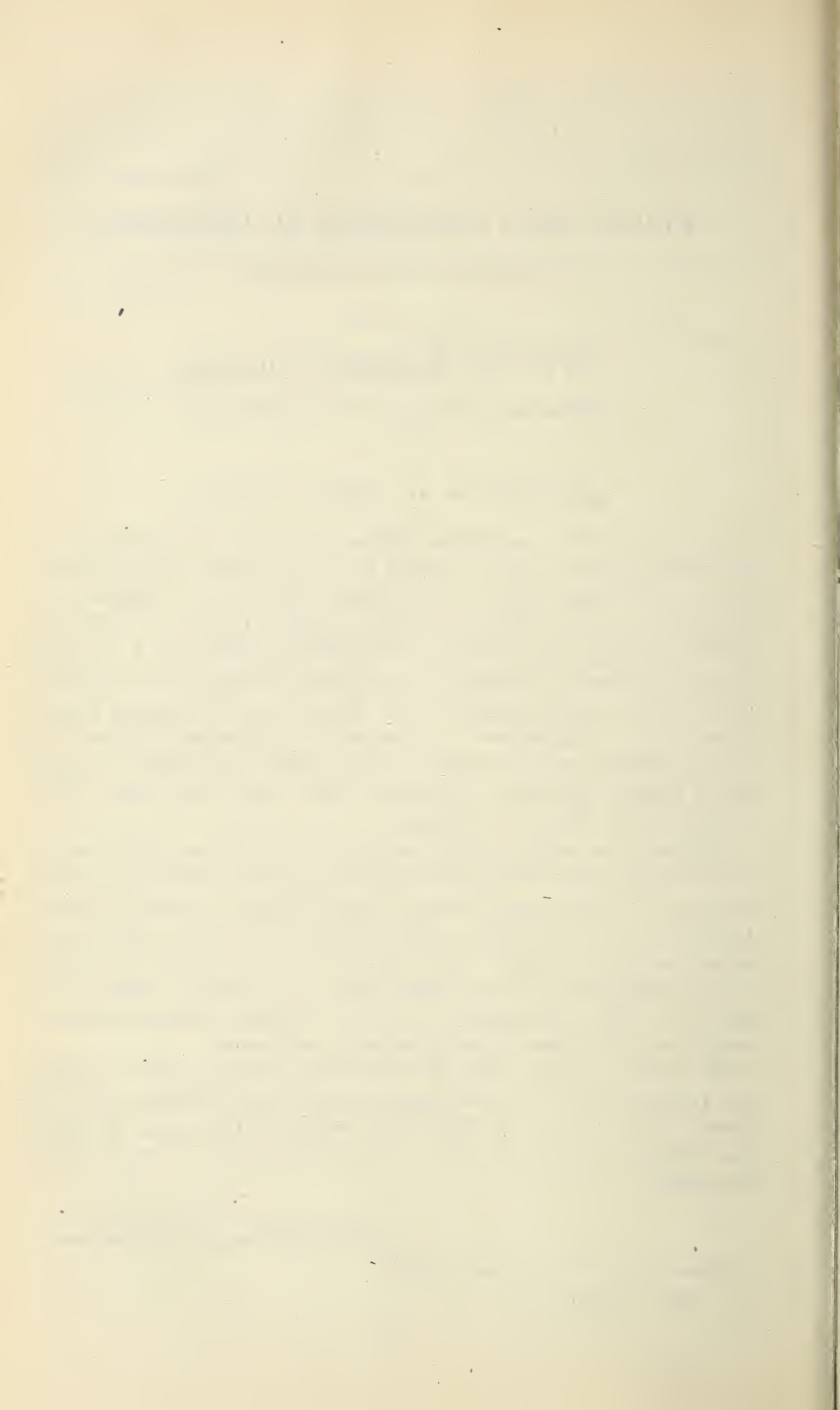
On July 31, 1911, the United States Attorney for the District of New Jersey, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert C. Chance, Albert Chance, and Wilmer Chance, trading as R. C. Chance's Sons, Mount Holly, N. J., alleging shipment by them, in violation of the Food and Drugs Act, on December 10, 1910, from the State of New Jersey into the State of Massachusetts, of a consignment of 8 barrels, 10 crates, and 825 cases of ketchup which were adulterated. The product was labeled "Sogood Brand Tomato Ketchup. Preserved with .1% of sod. benz. Distributed by the Wason Co. Boston."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 55 per one-sixtieth cmm; bacteria, 150,000,000 per cc; mold filaments in 85 per cent of the fields; which indicates that the product contained decomposed stock. Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, that is to say, contained yeasts, spores, bacteria, and molds.

On August 1 and 2, 1911, the defendants entered a plea of guilty and furnished bail for their appearance at the September term of court. On February 13, 1912, they withdrew their plea of guilty and entered a plea of non vult and the court thereupon fined them \$100.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 5, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1564.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPER.

On July 28, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of two barrels of alleged pepper remaining unsold and in the original unbroken packages in the possession of the American Grocery Co., Jersey City, N. J., alleging that the product had been transported by means of delivery wagons on or about June 28, 1911, by B. Fischer & Co., a partnership, New York, N. Y., from the State of New York into the State of New Jersey and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Pure Pepper Guaranty 6657."

Adulteration and misbranding were alleged in the libel for the reason that the product consisted in whole or in part of long pepper, the fruit of *Piper longum*, which is inferior in flavor to true pepper, true pepper being the immature fruit of *Piper nigrum*, whereby the quality and strength of said product was injuriously affected.

On October 31, 1911, a decree of condemnation and forfeiture was entered. On November 13, 1911, the decree was opened on application of B. Fischer & Co., New York, N. Y., claimants, upon payment of costs and filing of answer within ten days. On November 20, 1911, claimant's answer was filed and notice of trial for the January term was served December 16, 1911. On February 3, 1912, claimants withdrew their answer and consented to a decree. On February 13, 1912, decree was entered and it was ordered that upon payment of cost by the claimant and the execution of a good and sufficient bond in conformity with section 10 of the act the goods should be released to the claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 5, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1565.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF WALNUTS.

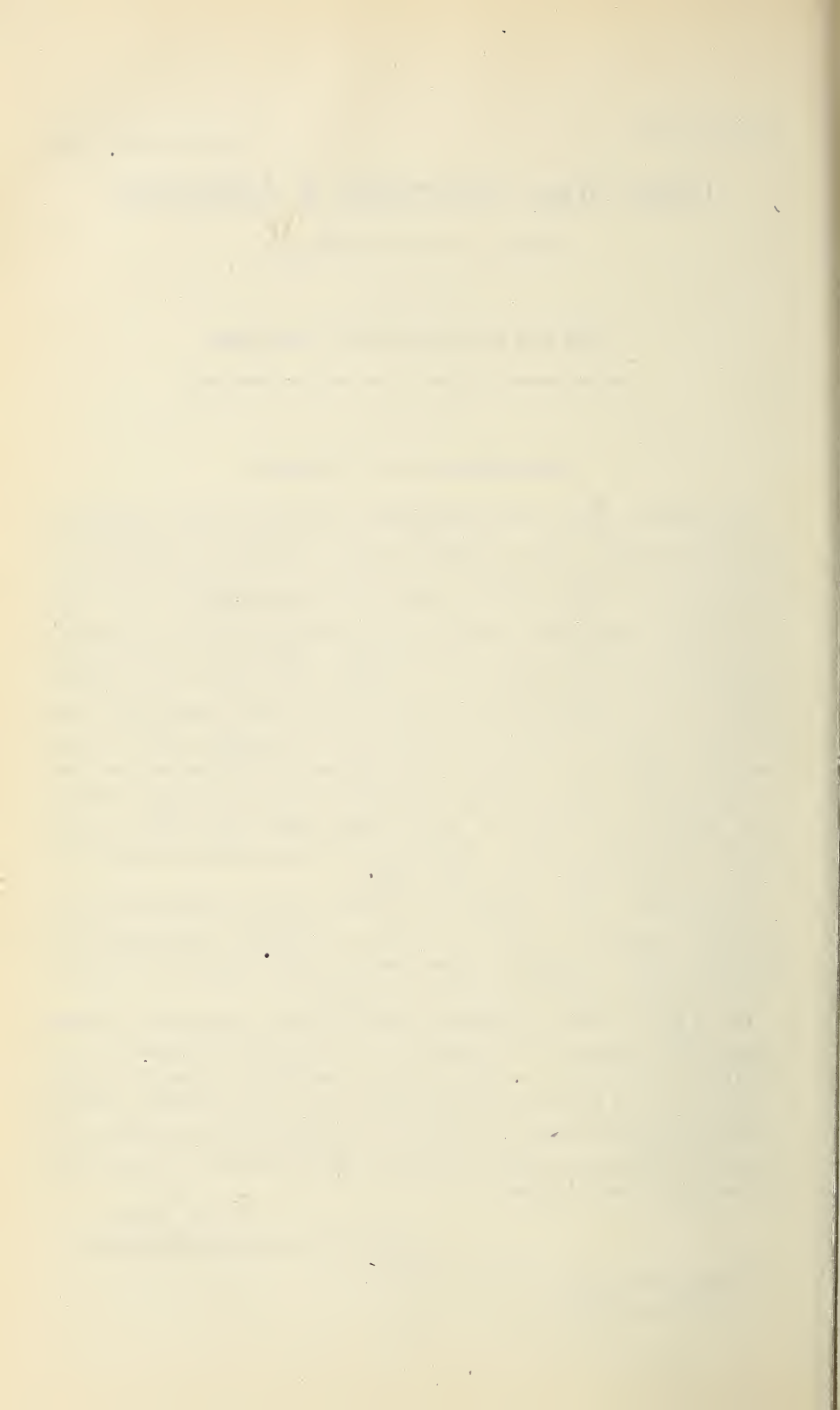
On March 9, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel for the seizure and condemnation of five bags of walnuts, remaining unsold in the original unbroken packages, and in the possession of the Philadelphia, Baltimore & Washington Railway Co., a corporation, at its freight shed in the city of Washington, D. C., alleging that the product had been transported from the city of New York into the District of Columbia, date of shipment not shown, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Frank H. Lester, Wholesale Fruit and Produce, 97 Park Place, New York City. D. M. Gatti, Washington, D. C." The bags were also marked, respectively, "105," "106," "108," "106," and "107."

Adulteration was charged in the libel for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reasons the product was absolutely unfit for human consumption.

On April 3, 1912, appearance having been entered by William Maass, the claimant, who consented to a decree of condemnation and forfeiture, and paid the costs of the proceedings, a decree of condemnation and forfeiture was entered, and it was further ordered that upon presentation of a bond in conformity with section 10 of the Act, fixed by the court at \$100, the goods should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 5, 1912.*



Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1566.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS IN SHELL.

On March 15, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 400 bushels of oysters in the shell, remaining unsold on board the sloop *Martin Wagner* at the Eleventh Street Wharf, Washington, D. C., and in possession of one J. T. Robey, alleging that the product had been transported from the State of Virginia into the District of Columbia, date of shipment not shown, and charging adulteration in violation of the Food and Drugs Act.

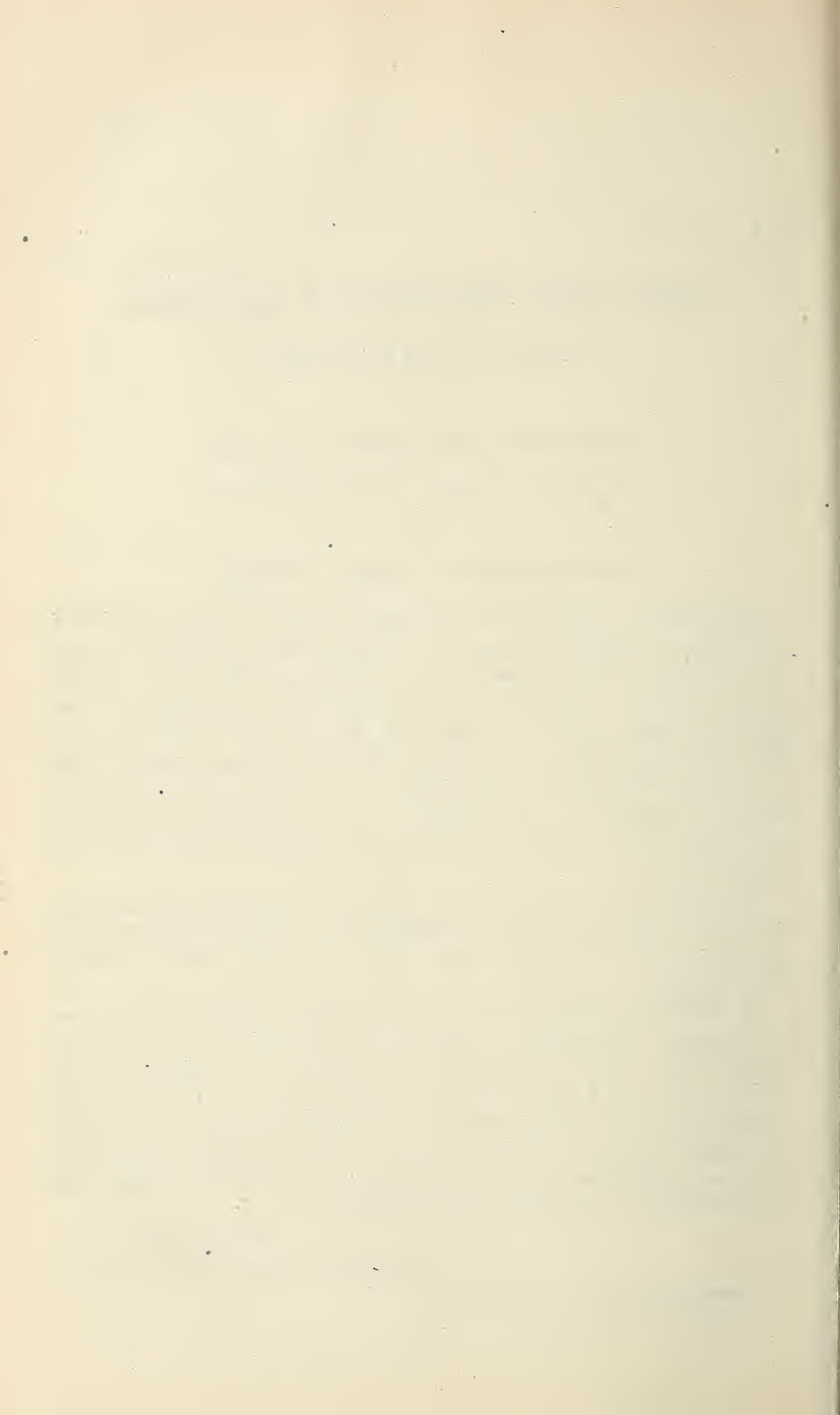
Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reason said product was unfit for human consumption.

On March 16, 1912, the claimant, J. T. Robey, having filed his plea and answer, consenting to a decree of condemnation, it was decreed by the court that the product be condemned and forfeited to the United States, and disposed of by destruction by the United States marshal. It was further ordered in lieu thereof that upon the presentation of a bond in conformity with section 10 of the Act, fixed by the court at \$400, and payment of the costs of the proceedings, the product should be released to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 5, 1912.*



Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1567.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF SARDINES.

On July 16, 1911, the United States Attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 798 cases of sardines, remaining unsold and in the original unbroken packages, in the possession of the Gulf, Colorado & Santa Fe Railway Co., at its freight house, Galveston, Tex., alleging that the product was transported on or about the 9th day of April, 1911, by the Eastport Sardine Co., Eastport, Me., from the State of Maine into the Territory of New Mexico, and thereafter, on June 7, 1911, reshipped by the Eastport Sardine Co. from the Territory of New Mexico into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "100 $\frac{1}{4}$ Oil Jubilee Eastport Sardine Co., Eastport, Me." "Jubilee Brand American Sardines in cotton seed oil, packed by the Eastport Sardine Company, Eastport, Me. Guaranty Legend, Serial No. 21197."

Adulteration was charged in the libel for the reason that the product "being decomposed and putrid, makes the said sardines deleterious, and may render the same injurious to health."

On February 1, 1912, no claimant having appeared for the property, decree of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 8, 1912.

THE HISTORY OF THE UNITED STATES

OF AMERICA

BY

WILLIAM B. ECKSTEDT

OF THE

UNIVERSITY OF CALIFORNIA

AND

OF THE

STATE OF CALIFORNIA

AND

OF THE

REPUBLIC OF CALIFORNIA

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Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1568.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPER.

On July 21, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 boxes of alleged pepper, containing 600 pounds of the product, remaining unsold in the original unbroken packages, in the possession of the American Grocery Co., Jersey City, N. J., alleging that the product had been transported on or about June 28, 1911, by B. Fischer & Co., doing business in the city of New York, N. Y., from the State of New York into the State of New Jersey, by means of delivery wagons of the said company, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "American Gro. Co., Pure Pepper, Guarantee 6657."

Adulteration was charged in the libel for the reason that the product consisted in whole or in part of "long pepper," the fruit of *Piper longum*, which is inferior in flavor to true pepper, true pepper being the immature fruit of *Piper nigrum*, whereby the quality and strength of said product were injuriously affected. Misbranding was alleged for the reason that the product was labeled "pure pepper," whereas in truth and in fact it consisted in whole or in part of long pepper, which is inferior in flavor to true pepper.

On August 10, 1911, B. Fischer & Co., the claimants, filed their answer to the libel, and on October 24, 1911, the cause was tried before the court, and decision was reserved.

On January 25, 1912, the court (Cross, J.) rendered an opinion sustaining the libel, as follows:

No jury having been demanded, the above entitled cause came to hearing before the Court. On or about June 28, 1911, B. Fischer & Company, the claimants herein, of the City of New York, shipped in interstate commerce from that city to Jersey City, in the State of New Jersey, seventy-five boxes containing the alleged pepper which the Government seeks to condemn as having been misbranded and adulterated within the meaning of the act commonly known as the Pure Food and Drugs Act of June 30, 1906 (34 Stat., 678). The Government claims that the article contained in the boxes consisted of a combination of ground *Piper nigrum* (or black pepper), and ground *Piper longum* (or long pepper). The product was labeled by the claimants "pure pepper" and bore its guaranty number 6657 at the time of its shipment.

At the close of the proofs the case was reserved, and counsel requested to submit briefs upon the following points deemed to be involved in the disposition of the case:

First. Was a notice and hearing as provided for by Section 4 of the act, a condition precedent to the bringing of this suit?

Second. Shall the words "pure pepper" as affixed to and used as a label upon the boxes in question, be given their ordinary and customary meaning or a technical meaning?

Third. Are the words "pure pepper" as so used, in any wise false or misleading under the evidence in the case?

It is probable that the first question would have been the most difficult of solution, owing to the conflicting decisions of subordinate courts, but for the fact that since the hearing and on December 11, 1911, the Supreme Court, in the case of the United States v. John Morgan and Alfred Y. Morgan (not yet reported), held that the notice and hearing referred to in the first point were not a condition precedent to the bringing of a suit of this character.

The second point reserved must be answered in the affirmative. It is difficult to perceive how otherwise justice could be done in any given case, or what practical efficiency the statute would have or what protection it would afford if the public were required to have scientific and technical knowledge as to the derivation and nomenclature of the various food and drug products. The ordinary purchaser, unless he could rely upon the common and generally understood signification of a label, could never be certain of what he was buying. A label should be reliable to the extent that it will not in any wise, or to any extent, mislead such a purchaser. In the case of *Brina v. United States* (179 Fed., 373), the Circuit Court of Appeals of the Second Circuit, speaking by Judge Lacombe, said:

'The section declared on (section 2) imposes a penalty on any person who shall ship or deliver for shipment from any state—to any other state—any article of food or drug so—misbranded. It was proved that the words "Olio per Insalata" mean 'oil of salad' or 'salad oil', and the trial judge held and so charged the jury, that 'as a notorious fact salad oil *prima facie* means olive oil' but allowed the defendant to show if he could that 'it means something else because of recent events which have perhaps rendered olive oil more difficult to obtain, or that other food elements have come to be known as salad oil.' No such proof was introduced, and the ruling is assigned as error. The Century Dictionary, Worcester's, Stormont's Imperial, and the Encyclopedia all define 'salad oil' as 'olive oil'. Webster's does not give any definition. We are satisfied that the trial judge quite properly charged, in the absence of any

testimony of the sort suggested, that 'salad oil' prima facie imports olive oil; that is what the world has been accustomed to regard salad oil.'

So also in *Worden v. California Fig Syrup Co.*, 187 U. S., 516, 536, which was a trade mark case, the court, speaking of a label containing the words "Syrup of Figs," and what should be understood from those words as used, said:

'The argument for complainant is that, because fig juice or syrup has no laxative property, everybody ought to understand that when the term is used to designate a laxative medicine it must have only a fanciful meaning. But the fact is admitted that the public believe that fig juice or syrup has laxative medicinal properties. It is to them that the complainant seeks to sell its preparations, and it is with respect to their knowledge and impression that the character, whether descriptive or fanciful, of the term used, is to be determined.'

The extract given from the case last cited was quoted from an opinion by Judge Taft in *California Fig & Syrup Co. v. Frederick Stearns & Co.*, 73 Fed. 812, 817, (C. C. A. Sixth Circuit). Counsel for the Government has also cited several cases which have arisen from time to time in different District Courts of the United States, and has furnished extracts thereof from circulars issued by the Department of Agriculture; but as such extracts were parts of charges to juries and the cases do not appear to have been reported, no further mention will be made of them, except to say that they all follow the above doctrine.

The third question reserved requires an examination of the facts of the case. It has already been stated, and it is not disputed, that the article in question was labeled by the claimants 'pure pepper,' and that it was composed of *Piper nigrum* and *Piper longum*, or black pepper and long pepper, ground and mixed. The evidence also shows that the mixture contained a larger proportion of long pepper than it did of black pepper, or to be more definite, that it contained between fifty and seventy-five per cent of long pepper, worth at the time of the shipment in question, several cents a pound less than black pepper, and that such differences in price usually, not invariably, existed. The two kinds of pepper, black and long, belonging to the same genus, but differ in strength, quality and characteristics. The testimony shows that black pepper or *Piper nigrum* is known in the market as 'ordinary pepper,' 'common pepper' and as what people usually term 'black pepper,' and that 'pure pepper' means in the trade *Piper nigrum*, and nothing else. The weight of the testimony upon these points and particularly upon the point that 'pure pepper' means in the trade nothing else than *Piper nigrum*, is overwhelming; while of the evidence in general, it may fairly be said that it is but slightly conflicting. The defendants have introduced evidence to show that there are four kinds of pepper in common use, 'black pepper', 'white pepper', 'long pepper', and 'red pepper', the first three of which are grouped in one family, known as the capsicum family. It appears, however, that white pepper is *Piper nigrum* whitened by means of a process, and as red pepper is in no wise under consideration, it is only requisite to consider black pepper and long pepper. The defendants claim that because these two varieties of pepper belong to the pepper family and are so classified in some but not in all, scientific books, they were justified in labeling a mixture of them 'pure pepper', and that such labeling was neither false or misleading in any particular. But as above stated, the evidence is clear that 'pure pepper' is known to the trade and in the market as black pepper and nothing else. It also appears that the two kinds of pepper, black and long, have different qualities, characteristics and uses. If the defendant's contentions were upheld, they could with impunity, sell an article composed entirely of the cheaper and in-

ferior long pepper for 'pure pepper' or black pepper, although the purchaser would pay the price of, and be justified in believing that he was buying, black pepper. Speaking generally, flour is a generic name. Suppose, however, that wheat flour was generally known in the trade as 'pure flour', would a manufacturer be justified under the act, in so labeling it, if as a matter of fact it were composed of a mixture of fifty per cent of wheat flour and fifty per cent. of rye or buckwheat flour? Numerous illustrations of a like character are instantly suggested.

But the defendants furthermore attempt to justify their conduct in the premises because of its alleged conformity with a pamphlet published and circulated by the United States Department of Agriculture, called 'Standards of Purity for Food Products,' as established and prescribed by that Department. But I can find in those standards no warrant for such justification. Substantially all they do is to classify under the title 'pepper' *Piper nigrum*, *Piper longum*, and white pepper, and describe them. Notwithstanding such classification, it would seem that both the public and the Department might reasonably assume that if black pepper and long pepper were mixed or blended, in equal parts, the product would be marked or branded as required by the act in question.

The more pertinent parts of that act are as follows:

'Sec. 8. That the term 'misbranded' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device, regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

'That for the purposes of this Act, an article shall also be deemed to be misbranded:

'In the case of food:

'Fourthly: If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases:

'First: In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not as an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

'Second: In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: Provided, That the term blend as used herein shall not be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; And Provided further, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.'

It seems to me that the fourth subdivision of Section 8, in connection with the second paragraph of such subdivision, covers this case as completely as if specially enacted therefor, and that a mixture of black pepper and long pepper being a mixture of like substances constituted, if not a compound, at least a 'blend' within the meaning of the act, and should have been so marked. In view of this conclusion, it is unnecessary to consider whether the article in question was also adulterated as claimed by the libellant.

Upon consideration of all evidence in the case, it is concluded that the 'seventy-five boxes of alleged pepper' bore a false and misleading label, and were consequently misbranded within the meaning of the Pure Food and Drug Act.

Judgment of forfeiture will accordingly be entered in favor of the United States, with costs.

On February 13, 1912, decree of condemnation and forfeiture was entered and it was further ordered that upon payment of the costs of the proceeding and execution of a good and sufficient bond by the claimants, in conformity with section 10 of the Act, the product should be released and delivered to said claimants.

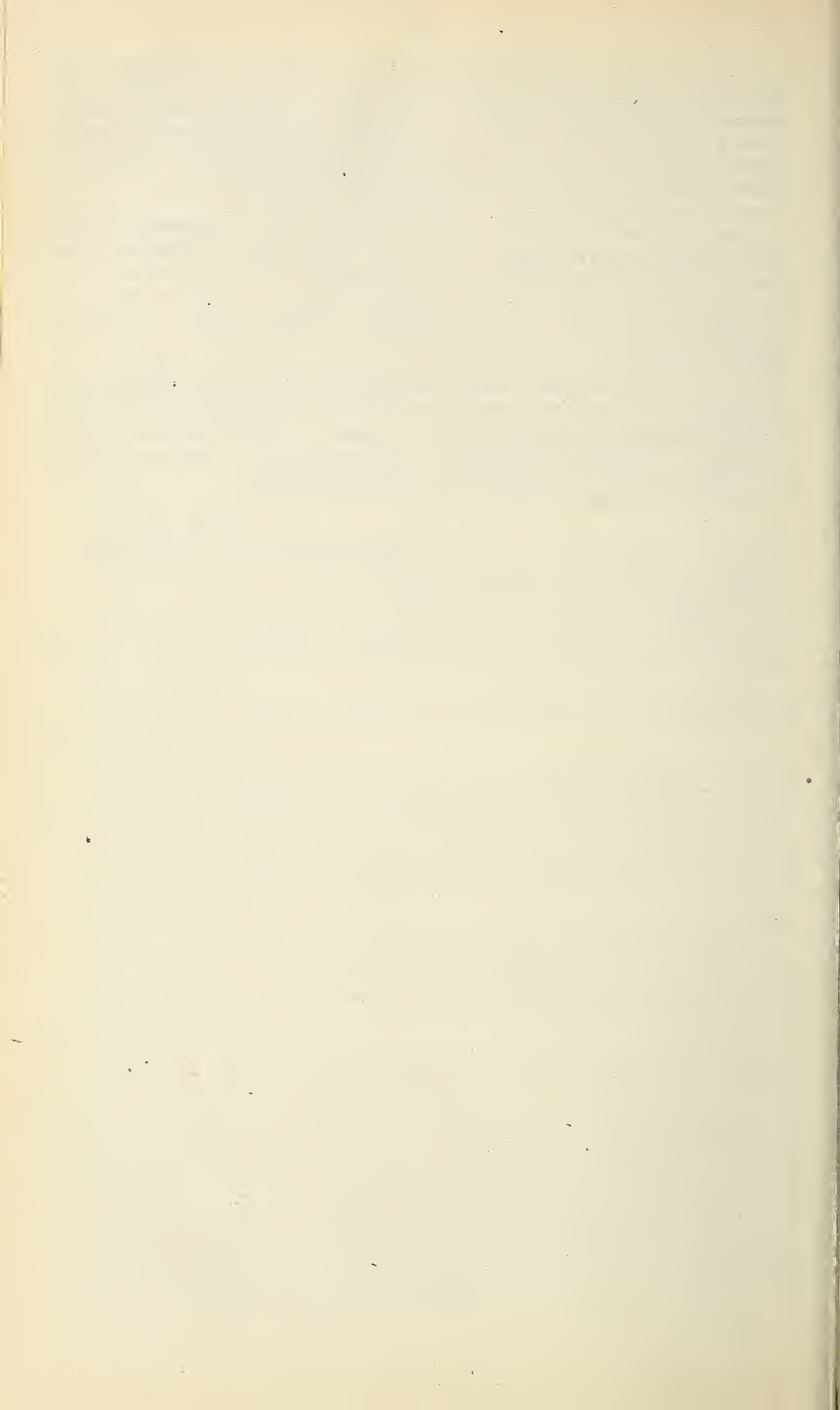
W. M. HAYS,

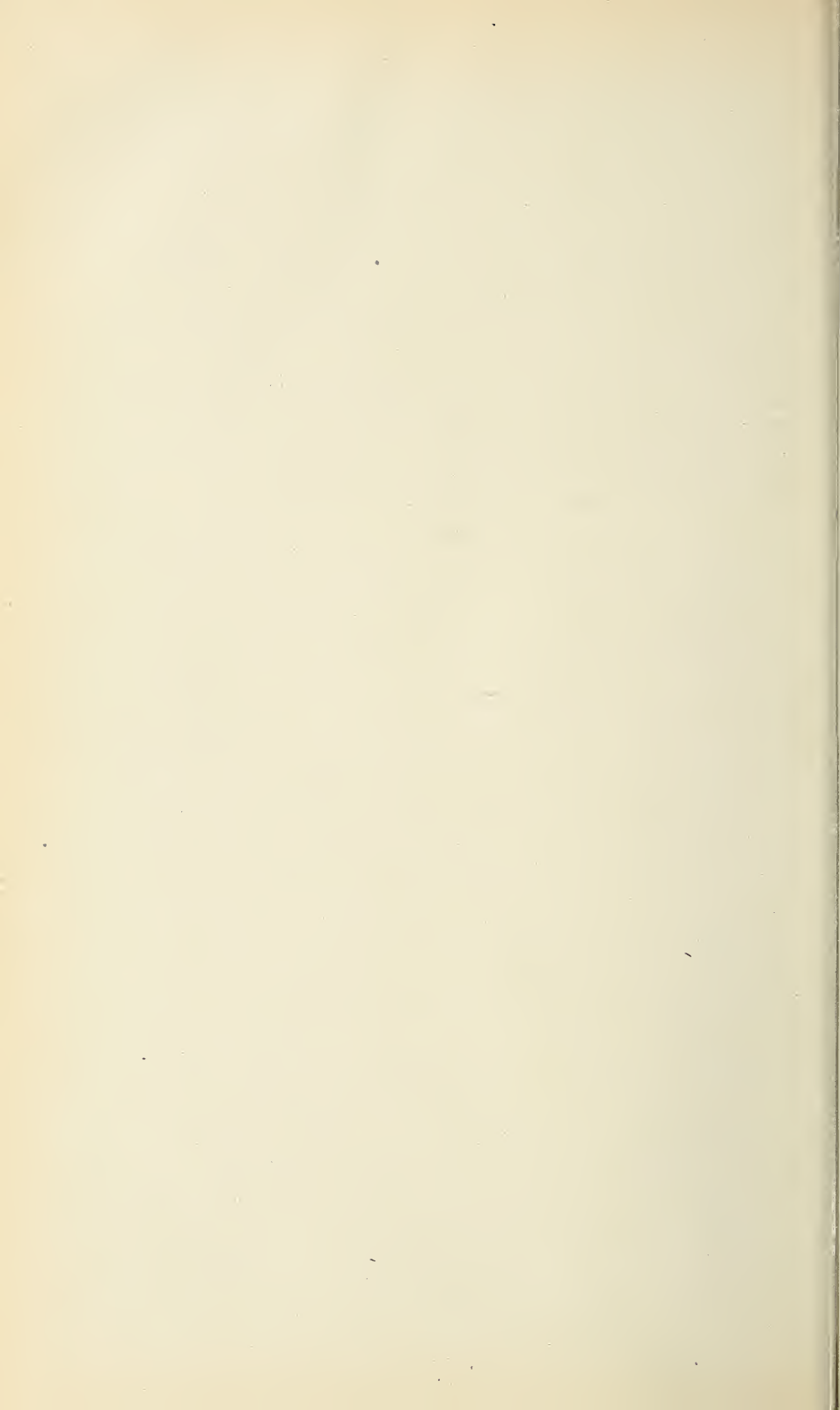
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 8, 1912.*

1568







United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1569.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF APPLE CIDER.

On June 20, 1911, the United States Attorney for the Eastern District of Kentucky, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 kegs of apple cider, remaining unsold and in the original unbroken packages, and in the possession of Kellogg & Co. (Inc.), Richmond, Ky., alleging that the product had been shipped on or about March 16, 1911, by the National Fruit Products Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranteed Apple Base Cider, Kellogg & Co., Richmond, Kentucky. From National Fruit Products Company, Incorporated, Memphis, Tennessee. Apple Cider Guaranteed. The contents of this package as originally filled are guaranteed to be made from apple juice fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added.) Contains 1-10 of 1 per cent. Benzoate of Soda and artificial sweetening matter, and conforms to the provisions of the Food & Drugs Act passed by Congress June 30, 1906. We also guarantee the contents of the package as originally filled to be exempt from the Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

Adulteration was alleged in the libel for the reason that the product consisted in whole or in part of ingredients and substances which were not apple products, but consisted in whole or in part of a solution of starch sugar. Misbranding was alleged for the reason

that the labels and brands on each and every separate keg containing the product bore statements, designs, and devices regarding the ingredients and substances therein contained, which were false and misleading in that by said labels and brands the kegs purported and represented to contain guaranteed apple cider, whereas in truth and in fact they contained no guaranteed apple cider, but an inferior quality and imitation of apple cider.

On October 16, 1911, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the seven kegs of the product that had been seized should be sold by the United States marshal after obliteration of the brands on the product.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 8, 1912.*

1569



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1570.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On February 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paolo Manganelli, New York, N. Y., alleging shipment by him, in violation of the Food and Drugs Act, on November 5, 1909, from the State of New York into the State of New Jersey of a consignment of olive oil which was adulterated and misbranded. The container in which the product was shipped was labeled in part as follows: "La Pura Brand Olive Oil, Blended with C. S. Oil, Lucca, Italy."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Index refraction, 25° C_____	1.4708
Specific gravity, 1.56°/1.56°_____	.9223
Free acids as oleic (per cent)_____	.17
Iodin number_____	108.1
Sesame oil_____	None.
Peanut oil_____	None.
Cottonseed oil by Halphen test approximately (per cent)_____	100
Colored with a yellow azo dye; reactions correspond with amidoazobenzene.	

Mixed fatty acids.

Melting point (°C.)_____	35.5
Iodin number_____	111.3
Saturation value_____	200.7

Adulteration was charged in the information for the reason that a substance other than olive oil, to wit, cottonseed oil, had been mixed

and packed with the product so as to lower and reduce and injuriously affect the quality and strength of the product, for which it had been substituted in part; adulteration was further charged for the reason that the product contained a certain added poisonous and deleterious ingredient, to wit, a yellow dye, known as "Dimethyl amido-azo benzine," which might render said article of food injurious to health.

Misbranding was alleged for the reason that the label regarding the product and the substances and ingredients contained therein was false and misleading and such as would mislead and deceive the purchaser, in that the label would indicate that the contents of said can was a pure olive oil, whereas, in truth and in fact, the contents consisted of cottonseed oil, and the product was further misbranded in that it purported to be a foreign product when it was not so.

On April 1, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$15.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 8, 1912.

1570



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1571.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHERRIES IN MARASCHINO.

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, after presentation by the United States Attorney, acting upon a report by the Secretary of Agriculture, returned an indictment against the Fleischmann-Clarke Co., a corporation, San Francisco, Cal., alleging shipment by it, in violation of the Food and Drugs Act, on June 9, 1910, from the State of California into the State of Oregon, of a consignment of ten cases of so-called "Golden Gate Cherries in Maraschino," which were misbranded. The product was labeled: "Golden Gate Cherries in Maraschino. The Fleischmann Co., San Francisco. Colored with a harmless imported coal tar derivative. Preserved with two tenths of one percent of benzoate of sodium."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Alcohol (per cent by volume)-----	3.74
Sucrose (per cent)-----	24.89
Invert sugar (per cent)-----	15.65
Color-----	Erythrosin.
Benzoate of soda (per cent)-----	.38
Product has the odor and flavor of bitter almonds or benzaldehyde.	
It has no flavor of maraschino.	

Misbranding was charged in the indictment for the reason that the label and the words thereon were false and misleading in that said label gave and would give to the purchaser thereof the impression that the product contained in each of said bottles consisted of cherries preserved and packed in maraschino or in a syrup flavored with maraschino, whereas, in truth and in fact, the said cherries were not packed nor preserved in maraschino nor in a syrup flavored with maraschino, but in a sugar syrup having none of the flavoring characteristics or qualities of maraschino.

On March 26, 1912, the defendant entered a plea of guilty to the indictment and the court thereupon imposed a fine of \$100.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 10, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1572.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On or about October 19, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of seven cases, five of which each contained 12 bottles of cherries and two of which each contained 24 bottles of cherries, remaining unsold and in the unbroken packages and in possession of the S. S. Allen Grocery Co., St. Joseph, Mo., alleging that the product had been shipped by Liebhenthal Bros. & Co., Cleveland, Ohio, date not shown, from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the five cases was branded: "White Rose Maraschino Cherries 12 Bottles. Glass. Handle with care. Artificially colored. Preserved with 1/10 of 1% Benzoate of Soda." and each of the two cases bore a label identical with the one above set out, except that the figures "24" appeared in lieu of the figures "12". Each of the bottles was branded: "White Rose Maraschino Cherries. Artificially colored and preserved with 1/10 of 1 per cent benzoate of soda. S. S. Allen Grocery Co. Distributors, St. Joseph, Mo." "Exquisite quality. Delicious fruit. Especially prepared Maraschino Cherries."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde, or oil of bitter almond, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and such benzaldehyde or oil of bitter almond had been substituted wholly or in part for maraschino in the liquor or syrup in which the product was packed. Misbranding of the product was alleged for the reason that the brands or labels were false and misleading in that, while they

stated and represented that the cases or boxes and bottles, and each of them, contained maraschino cherries as known to the trade and to commerce in the United States, which are cherries put up in a maraschino liquor or syrup, whereas in truth and in fact the cherries contained in said cases, boxes, and bottles were not put up in maraschino liquor or syrup but in an imitation of maraschino liquor or syrup flavored with benzaldehyde or oil of bitter almond.

On March 7, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 10, 1912.*

1572



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1573.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On October 19, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 24 bottles of cherries, remaining unsold in the original unbroken packages and in possession of the Nave-McCord Mercantile Co., St. Joseph, Mo., alleging that the product had been shipped by Glaser, Kohn & Co., Chicago, Ill., date not shown, from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was branded: "2 doz. Select No. 16 Maraschino Cherries. Trade (Everbest) Mark. Glaser, Kohn & Co. to conform to the National Pure Food & Drugs Act of June 30, 1906. Serial No. 3294. Glass. This side up with care." Each of the bottles contained in said cases was branded: "Maraschino Cherries Trade (Everbest) Mark Artificially colored Contains 0.008 Sulphur Dioxide. Glaser, Kohn & Co. Distributors, Chicago, U. S. A." "Trade (Everbest) Mark Select Cherries. Keep on ice after opening." "Purity of colors used guaranteed by the manufacturer. Part of Lot No. 543 Certified under U. S. Pure Food & Drugs Act."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde, or oil of bitter almond, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and such benzaldehyde or oil of bitter almond had been substituted wholly or in part for maraschino in the liquor or syrup in which the cherries were packed.

Misbranding was alleged for the reason that the brands or labels were false and misleading in that, while they stated and represented that the cases or boxes and bottles, and each of them, contained maraschino cherries, as known to the trade and to commerce in the United States, which are cherries put up in a maraschino liquor or syrup, whereas in truth and in fact the cherries contained in said cases, boxes, and bottles, were not put up in maraschino liquor or syrup, but in an imitation of maraschino liquor and syrup, flavored with benzaldehyde or oil of bitter almond.

On March 6, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that, upon payment of all costs and the execution of bond in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered to the Nave-McCord Mercantile Co., St. Joseph, Mo., the claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 10, 1912.*

1573

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Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1574.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On October 21, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of six cases, four of which each contained eight dozen bottles of cherries and two of which each contained four dozen bottles of cherries, remaining unsold in the original unbroken packages and in possession of the Letts-Parker Grocer Co., a corporation, St. Joseph, Mo., alleging that the product had been shipped by Glaser Kohn & Co., Chicago, Ill., during the month of March, 1911, from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was branded: "8 doz. No. 4, Sheepshead Brand Maraschino Cherries. Letts-Spencer Grocer Co., St. Joseph, Mo." "4 doz. No. 8, Defiance Maraschino Cherries. Letts-Spencer Gro. Co., St. Joseph, Mo." Each of the bottles in the four cases was labeled: "Sheepshead Brand, Trade (design of sheep's head) Mark Registered Packed for Letts Spencer Grocer Co., St. Joseph Mo. Maraschino Cherries, Artificially Colored. Contains 0.008 Sulphur Dioxide. Purity of colors used guaranteed by the manufacturer. Part of lot No. 543, certified under U. S. Pure Food and Drugs Act." Each of the bottles contained in the two cases was branded: "Defiance brand, Trade (design of rooster) Mark. Packed for Letts-Spencer Grocer Co. St. Joseph, Mo. Maraschino Cherries. Artificially colored. Contains 0.008 sulphur dioxide. Purity of colors used guaranteed

by the manufacturer, Part of lot 543, certified under U. S. Pure Food and Drugs Act."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde or bitter almond product, had been mixed and packed with the cherries so as to reduce, lower, and injuriously affect their quality and strength, and such benzaldehyde or bitter almond product had been substituted wholly or in part for maraschino in the liquor or syrup in which said cherries were packed. Misbranding was alleged for the reason that the brands and labels, and each of them, on each of the boxes and cases and bottles contained therein, were false and misleading, in that, while the brands and labels, and each of them, stated and represented that they contained maraschino cherries, in truth and in fact the cherries contained therein were neither maraschino cherries nor cherries put up and packed in maraschino liquor, or in syrup flavored with maraschino, but said cherries were put up and packed in an imitation of maraschino liquor and syrup, flavored with benzaldehyde or bitter almond product.

On March 6, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of all costs of the proceedings by the Letts Parker Grocer Co., St. Joseph, Mo., and the presentation of bond by said claimant in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 10, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1575.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On November 8, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases or boxes, each containing a certain number of original glass unit packages of cherries, remaining unsold in the original unbroken packages, and in the possession of the C. D. Smith Drug Co., a corporation, St. Joseph, Mo., alleging that the product had been shipped by the National Fruit Products Co., Boston, Mass., date of shipment not shown, from the State of Massachusetts into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was branded: "C. & M. Maraschino Cherries—Glass—S.—St. Joseph, Mo., N. F. P. Co." Each of the bottles or jars contained in the cases was branded: "Maraschino Flavored Cherries. Preserved with 1/10 of 1% Benzoate of Soda. Artificially colored—Serial No. 25838—A. Guaranteed under the Food & Drugs Act, June 30, 1906. For sale by National Fruit Products Co., Successor to Curtis & Moore Co., 94-98 Portland Street, Boston, Mass. Directions, etc."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde or bitter almond product, had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength, and such benzaldehyde or bitter almond product had been substituted wholly or in part for maraschino in the liquor or syrup in which the product was packed. Misbranding was alleged for the reason that the brands and labels and each of them on each of the cases and unit jars or bottles contained therein were false and misleading, in that, while

the brands and labels stated and represented that the cases and bottles or jars each contained maraschino cherries, in truth and in fact the cherries contained therein were neither maraschino cherries nor cherries put up and packed in maraschino liquor or in syrup flavored with maraschino, but were put up and packed in an imitation of maraschino liquor and syrup, flavored with benzaldehyde or bitter almond product.

On March 6, 1912, no claimant having appeared for the product, default judgment of condemnation and forfeiture was entered.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 11, 1912.*

1575

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Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1576.

(Given pursuant to section 4 of the Food and Drugs Act.)

SUPPLEMENTAL TO NOTICE OF JUDGMENT NO. 1027.

ADULTERATION OF FROZEN EGG PRODUCT.

On April 10, 1911, a decree was entered in the District Court of the United States for the District of New Jersey, dismissing a libel against 443 cases of frozen egg product, for the reason that the Government had not sustained the burden of proof which rested upon it to show that the product was decomposed in whole or in part, and ordering the release of said product to the H. J. Keith Co., claimant. The facts of the case are fully set forth in Notice of Judgment No. 1027. From this decree the United States appealed to the United States Court of Appeals for the Third Circuit upon the following grounds, to wit:

ASSIGNMENT OF ERRORS.

First. The said court erred in dismissing the libel filed by the United States of America in this cause.

Second. The said court erred in making, entering, and rendering a decree in said cause in favor of the said claimant H. J. Keith Co., and in adjudging that the frozen egg product seized in this cause should be released by the marshal of this district.

Third. That the said court erred in making and entering a decree in said cause that the frozen egg product seized in said cause was not adulterated within the meaning of the act of Congress entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors and for regulating traffic therein and for other purposes", approved June 30, 1906.

Fourth. That the said court erred in making and entering a decree in said cause that the frozen egg product seized in said cause did not at the time of said seizure consist in whole or in part of a decomposed animal substance within the meaning of the act of Congress known as "The Food and Drugs Act, June 30, 1906."

Fifth. That the said court erred in admitting in evidence, and in considering as an element in the case, the contract marked "Exhibit D 1," being a contract between the Waldorf Pound Cake Co. and the H. J. Keith Co.

Sixth. That the said court erred in admitting in evidence, and in considering as an element in the case, United States Letters Patent Number 955835 for preserving eggs, issued April 19, 1910, to H. J. Keith Co.

Seventh. That the court erred in not finding that the frozen egg product in question was adulterated within the meaning of the act of Congress known as "The Food and Drugs Act, June 30, 1906."

Eighth. That the court erred in not finding that the frozen egg product in question consisted in whole or in part of a decomposed animal substance.

Ninth. The said order and decree is contrary to the law and the evidence.

On February 20, 1912, the decree of the court below was reversed, with directions to enter a decree of condemnation in favor of the Government. The opinion of the Circuit Court of Appeals for the Third Circuit (Buffington, Circuit Judge) follows:

In the court below, the United States, proceeding under the Act of Congress of June 30th, 1906, Supp. 1909, pp. 1187-1190, filed a libel for the condemnation of four hundred and forty-three cans of frozen egg product. So far as now pertinent, the libel charged that such product was intended for food, was decomposed, and that it was adulterated, in the statutory definition of adulteration. After seizure, the product was claimed by the company that made it and the proceeding defended. The claimant's answer admitted interstate shipment of the product and other jurisdictional facts as to three hundred and forty-two cans, that ten per cent of the product was superadded sugar, but denied it was decomposed or adulterated. The case turns on two questions: first, that of fact, whether the product was decomposed; and second, that of law, whether the product is adulterated as adulteration is defined by the Federal Food Law above referred to.

This product came from a company in Kansas which markets eggs in the shell and also in this frozen form. It was consigned to a baking company in New York City and was seized in New Jersey. The product was prepared under a patent, referred to below, and for convenience we refer to it hereafter as frozen eggs, the seized cans bearing the label, "* * * Eggs for Cooking. Slow Thawing Gives Best Results". Without entering into details we may say the company selected from the current supply which came from stores and dealers, the highest grade of eggs which it marketed in the shell. The remainder, termed "discards" were sorted by candling into three grades, namely "sec-

onds", "checks" and "spots", or, to quote from complainant's testimony, "A current use egg is an egg that is full firm; it may be clean and some slightly soiled shell eggs. Number two is a dirty shelled egg, a small egg, though it may be dirty shelled or clean shelled, and the check egg is an egg that is cracked in course of transportation". Of the discards, the seconds and checks are used for food purposes in the frozen product here in question, while the spots, or third class, which consist of leakers, or eggs with broken shells, blood ringers and embryo chicks is used in liquid form for tanning purposes. "Candling" consists of examining the egg as it is held before an artificial light in a darkened room. As this sorting by candling is done with great rapidity—an expert girl sorting and breaking from seven to eleven thousand eggs in a day—there is a likelihood of bad eggs going into the mixture, for as the claimant's president, speaking of bad eggs, admits, "There is likely an egg (bad) that goes in once in a while through the candling process". In addition to the spoiled eggs there is danger from musty eggs, the deleterious effects of which are such that, as stated by one of claimant's witnesses, "One musty egg would spoil anywhere from two hundred and fifty to three hundred and fifty eggs". And as a musty egg cannot be detected by candling, and must be opened slowly to emit smell, the proof of claimant being, "The only way you can detect a musty egg is by smelling it; if a person opens a musty egg quick, it is very hard to detect it; you must open them slowly. You can smell them if you are not too quick opening them. If you take your time in opening the egg, you can smell if it is musty or fresh". It is clear therefore that the danger from contamination, both from bad and musty eggs, is very considerable in the rapid sorting at claimant's factory. After the eggs were thus sorted and broken they were run through a colander to break the yolks, chilled, thoroughly mixed by churning, passed through a fine meshed sieve and finally mixed with sugar and frozen solid. This sugar, to the extent of ten per cent., was added in pursuance of the patented process "to prevent the permanent thickening of the egg mixture containing the yolk of the egg when subjected to low temperatures, so that the physical characteristics of fresh eggs will be preserved and a deterioration of the egg both as to flavor and otherwise be preserved". But in this connection it will be noticed, as hereafter stated, that when the frozen product is melted the sugar tends to hasten decomposition. The patent covered both a process and a new article of manufacture, viz: "As a new article of manufacture egg containing added sugar and frozen below the temperature of decomposition etc."

The voluminous testimony consisted of two kinds, fact and expert, and has all had our full consideration. As to the facts, when the testimony is carefully analyzed there is little dispute, but the scientific deductions from such facts are as far apart as is usually the case where experts testify. After the seizure in Jersey City of the cans containing the product, samples were taken by the scientific representatives of both sides. The government experts made analyses and tests of their samples. Whether the claimant's experts made corresponding analyses and tests of theirs does not appear in the proofs. They did, however, make certain tests in the court below. Turning to the cooking and smelling tests to which the government samples were submitted, the proofs disclose the following facts. Benjamin R. Jacobs, qualified as a chemist, a graduate of scientific schools, of experience in testing bakers' products for manufacturing companies, and is now and for four years has been employed as a chemist in the government Bureau of Chemistry, where he carried on cooking experiments for that bureau. He used three different samples of the frozen eggs, which he received from Dr. Bacon, whose custody and prior treatment of which we will refer to later. At the same time he took

fresh eggs and used them and the frozen eggs in cake making in the same manner. After describing his mixtures and preliminary work, the witness—to reduce the questions and answers to narrative form—in substance said—this dough was placed into small gem cups—so called cake cups—and baked for twenty-five minutes. The finished product of this blank or fresh eggs was taken as a standard to judge the odor, both hot and cold, the color and appearance of all the eggs. The fresh eggs had the normal odor of a fresh egg, and the sample number 11,158 C, while it was being beaten, had a very strong odor of rotten eggs; sample 11,167 C had rather a strong odor of rotten eggs; and sample 11,173 had a very strong odor of rotten eggs while being beaten. The odor permeated his and the adjoining rooms and people in the next one called attention to it. All the samples had a strong odor of rotten eggs while hot and a normal odor when cold. When the cakes baked from these samples were cold, there was nothing in their color or smell different from the cakes he baked from fresh eggs at the same time. The odor was only detected when the cakes came from the oven and were broken. Dr. Bacon, also a chemist of the Bureau, who had had very considerable experience in the chemistry and decomposition of foods, testified to observing Dr. Jacob's cooking experiments, that he handled the frozen eggs and they were odorless, but when Jacobs baked the cakes they had, when broken open hot, the foul odor of decomposed albuminous matter. He further says he distilled both fresh and frozen eggs at the same time by the same process. In the distillate of the former he simply found the ordinary odor of fresh-boiled eggs, while in the latter his distillate was very foul, had a fishy odor, very pronounced, the odor of decomposing fish. This odor not only permeated the witness's room, but got out into the hall to such an extent that occupants of other rooms came and complained. Dr. Rosenberger, who received several of these samples for analysis, among them 11,158 C, 11,167 C and 11,173, is Professor of Hygiene and Bacteriology of the Jefferson Medical College, Philadelphia, and for three years has examined eggs and egg products for the Pennsylvania State Food Department. Speaking of No. 11,158 C, he says it smelled like stale fish, a stale fishy odor, and from his observation and experience with such matters he would say it was decomposed. Dr. Stiles, who is in charge of the bacteriological work of the Bureau of Chemistry, made bacteriological tests of the frozen eggs. He said that when the claimant's eggs were frozen they had no appreciable odor, but as melting went on the odor came. He then said: "By taking one of the Mason jars and vigorously shaking it and then removing the cover—I did that after removing our bacteriological samples—I could detect, plainly detect, an odor; this odor increased as the product stood, and in our sample I observed during the day that it was kept at approximately a temperature of twenty-two degrees centigrade, at the end of two hours there was a distinct odor, which increased on the standing of the egg. It was a sweetish, rancid, fishy odor."

Unless in some way counteracted this testimony would seem conclusive of the fact that this product was decomposed. This it is sought to do on several grounds. First, that other samples taken from the same cans were tasted, smelled and cooked by the claimant's witnesses, without any odors or other evidence of the decomposition being discovered. But this testimony, while it is persuasive as to the particular samples used by claimant's witnesses, is at best but negative and does not disprove the positive and affirmative evidence as to the foulness of the samples used by the government witnesses. Moreover, it is to be borne in mind that no analysis was made by the claimant of the samples taken by its experts at the same time and from the same

packages the government's samples were taken. To us it is clear that testimony of the limited, negative character referred to above cannot avail to counteract and discredit the strong, positive proofs of decomposition found in the testimony of those who testified thereto. And in weighing testimony founded on the senses, and this is particularly true of the sense of smell, it is a fact that there is a wide difference in individuals in the sensitiveness of the olfactory nerves. Two men may truthfully testify as to the acute presence or the absence of odor, but with such testimony before it, that of the man who detected the odor should have the greater weight. One is positive, the other negative. It is also contended that the samples of the government were not subjected to proper treatment, and by reason of delay in treatment they were unfairly allowed to deteriorate before the tests were made. It must be borne in mind that the question we have before us is whether this product, when subjected to the conditions ordinarily incident to its use as a food product, was decomposed. The test is not whether decomposition existed and was going on while the product was frozen solid, but when it was melted and used as a liquified food product. The nature of that change we have from the directions to the user placed on the can by the maker, viz: "Slow thawing gives best results", and the description of the process in the patent, viz: "The mixture is then frozen solid, and held below the point where decomposition may occur, as by subjecting it to a temperature of zero Fahrenheit, and is maintained frozen until desired for use. When thawed, the egg substance resembles that of the natural egg in its useful physical characteristics and is of much greater commercial value than ordinary frozen egg". It is, then, apparent that if the frozen product is of the proper character it can be slowly thawed out and used without resultant decomposition, and by thawing is meant not a careful, close scientific maintenance of exact thermal conditions, but the gradual reduction of the frozen product to a liquid state in the ordinary way a cook would allow a solid to liquify in the place where the cooking was going on. Under such directions a baker would naturally allow the product to gradually melt in the atmosphere of the room where he was working, or the cook in her kitchen. And not only is this the case, but if this frozen product is so near decomposition that exact chemical and thermal precautions are necessary to prevent decomposition, then the product is, as an article of food, so close to the danger line as to excite suspicion and not only warrant but demand the closest judicial scrutiny before it is allowed to become an article of food consumption. In this case we find no proof that the treatment of these samples by the government chemists was unfair or subjected the product to conditions producing more rapid decomposition than if it had been used for baking. As will be seen by the proofs, on February 10, 1911, the government samples were set apart on ice and on February 14th, were shipped to Washington. When received there the next day they were still frozen solid. They were then delivered to doctors Bacon and Anderson, government chemists, and on March 7th some of them were packed in ice and sent to Dr. Rosenberger at Philadelphia, from the cold storage where they had meanwhile been kept at ten degrees Fahrenheit. From the samples which he received, Dr. Bacon melted two samples "very slowly, according to the direction on the can." They were placed in Mason jars closed with a screw top and rubber bands and allowed to stand at room temperature for ten hours. They were given to Jacobs within an hour after melting and were used by him in the cooking operation. We find no evidence of unfair or improper treatment of the product in this evidence and the suggestion that the odor of the eggs, which Dr. Bacon testified was noticeable as soon as the product melted, came from the sterilizing of Mason jars

or from the rubber sealing bands is a mere suggestion not based on facts, and that such jars were improper as receptacles for samples is negated by the very fact that the claimant's chemists used such jars in part for taking their samples, and there is no proof that in any subsequent use of such samples they detected any odor from the rubber bands at all resembling bad eggs. We are therefore of opinion the liquified samples of the government, when tested by the experts for bacteriological results and used for cooking, were in a condition fully as favorable to the product as would be its liquified condition when used by bakers and other consumers. And the condition of a product in the hands of a consumer is the place and time to test its fitness for food. Turning from this proof of practical facts to the theories of the expert witness, we find a wide difference of conclusions. As we stated above, the government witnesses subjected the samples to well known scientific tests and in the absence of any opposing tests made by the claimant, we are justified in accepting these tests as correct. Without entering into details, we may summarize such tests as proving in this liquified product recognized products of decomposition; that the product when hypodermically injected into guinea pigs and other animals used in laboratory experiments produced sickness and death when the like administering of fresh egg product had no harmful effect. The tests showed the presence of such bacteria as produce disease, blood poisoning and death and are found in animal excreta. From these facts, which are not controverted, the government experts infer that the product was decomposed, while the claimant's experts testify they do not prove decomposition. Indeed, as we understand the contention of the claimant's experts, it is contended, to use the language of Professor Folin of the Harvard Medical School, "the number of bacteria in an unknown product is no index to the degree or extent of the decomposition in that product. I mean that in a bacterial decomposed product there are other factors involved than the mere number of bacteria found in that product at any particular time." Viewing the problem then from the standpoint of decomposed, in the technical meaning of that word, and not from the word as meaning spoiled, (for as he himself said, "On terms in common use, such as 'spoiled', an expert does not really know any more than the person who asks him. It is spoiled to that person"), Professor Folin examined one of Dr. Bacon's samples for the presence of ammonia, which he says is an indication of technical decomposition. Finding none he concluded there was no decomposition. But such value as this test and the inference drawn from it might ordinarily have, it appears to us the time of such test is as open to the criticism of having been made too soon as Dr. Bacon's was of being made too late. We have already shown that the latter was made under conditions similar to those to which the product was subjected in culinary working conditions. But such we do not find to be the case in Professor Folin's test for ammonia, where he took the product from cold storage and put "the vessel containing the egg in cold water and allowing it to stand; but in all cases, for the first determination, I started the ammonia within two hours after I took the sample out of cold storage." Now in view of the fact he stated that it is not possible to determine the ammonia in the product while frozen, that this frozen product stood in cold water and that for only two hours, we are not convinced that this testimony throws any helpful light on the question before us, for it is not shown that his sample had liquified to the extent incident to ordinary baking use. It may well be in view of the frozen condition of the product initially, its test within two hours, and that meanwhile it was kept standing in cold water, the product was proof against the ammonia test. But, as we have said, this may prove nothing as to this product considered from

a food standpoint. Professor Folin admits he purposely omitted to make the tests Bacon had made and that he did this "because I knew that in the presence of so much sugar the subsequent decomposition which would take place was largely the fermentation of the sugar which results in the formation of carbonic acid and which would figure as an acid, and therefore it did not indicate anything *in the decomposition of the egg substance*." From this it is evident that his test was not to discover whether decomposition of the product as a whole, superinduced, it may be, by sugar, had begun, but whether it was found in the egg product alone. It is therefore clear that bearing in mind the time, method and limited object of such tests, and his tests may be taken as fairly illustrative of the viewpoint of claimant's experts, they throw no helpful light on the question before us of whether this product, when subjected to conditions incident to ordinary culinary use was decomposed.

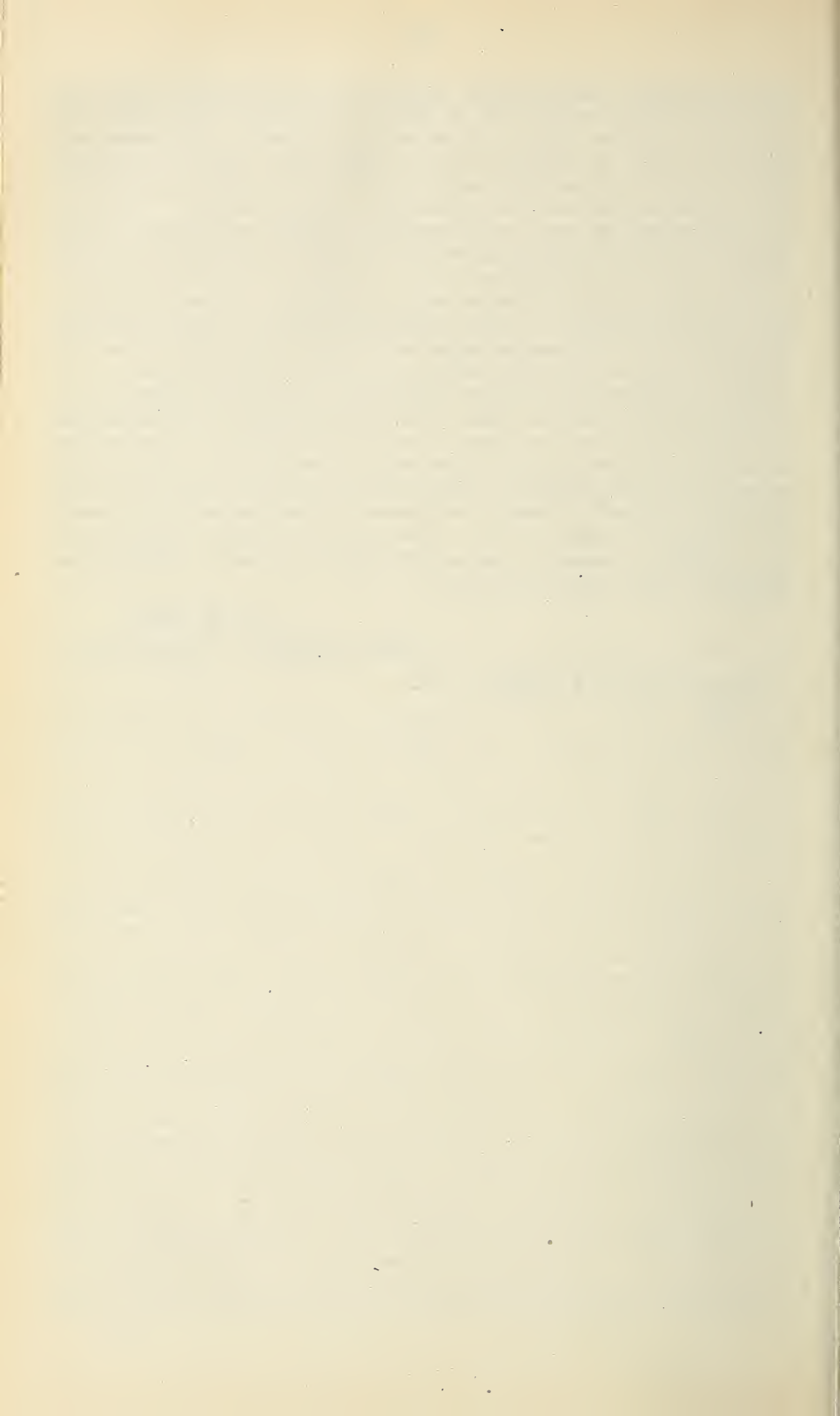
Finding, therefore, that this food product was decomposed and the act providing that for the purposes of the act an article shall be deemed adulterated "if it consists in whole or in part of a filthy, decomposed or putrid animal substance", it follows that this product falls within the statutory definition on the ground of decomposition, and it therefore becomes unnecessary for the purposes of this case to pass on the question whether the product, by reason of the addition of sugar, was also to be deemed adulterated. The decree of the court below is therefore reversed with directions to enter a decree in condemnation in favor of the government.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 18, 1912.*

1576





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1577.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF APRICOT CORDIAL.

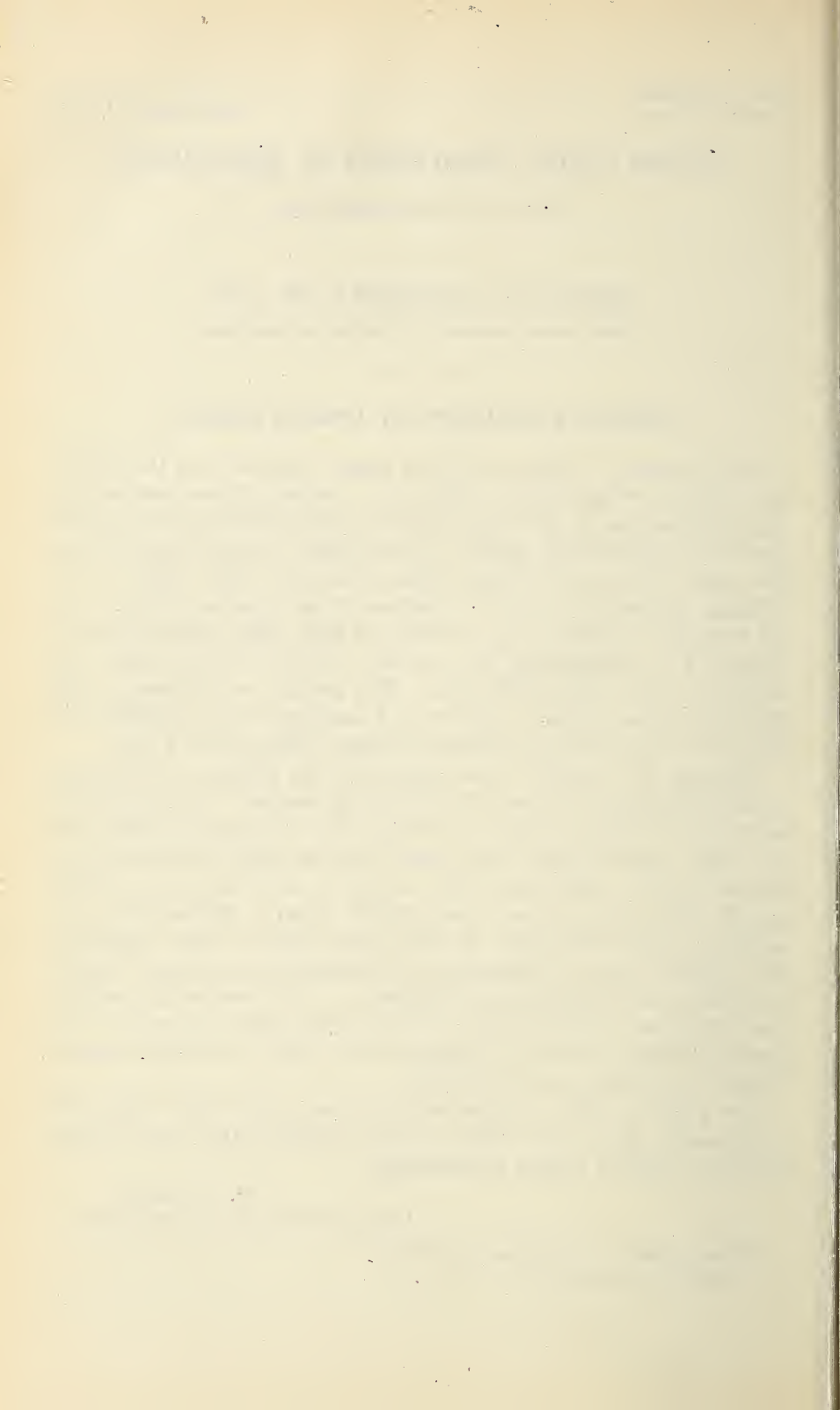
On February 5, 1912, the United States Attorney for the Southern District of New York, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tobias Miller, doing business under the name and style of Golden Gate Fruit Co., New York, N. Y., alleging shipment by him, in violation of the Food and Drugs Act, on February 23, 1910, from the State of New York into the State of Texas of a consignment of a certain article of food which was alleged to have been misbranded. The product was labeled: "Old Mission Apricot Brandy. Grown and produced by the Golden Gate Fruit Co. San Gabriel, California, Eastern Offices, New York."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: "Specific gravity at 15.6° C., 1.0643; alcohol by volume, 33.55 per cent; solids, 25.82 per cent; ash, 0.065 per cent; esters, fixed, as acetic, 60.30 parts per 100,000 proof; aldehydes, fixed, as acetic, 5.65 parts per 100,000 proof; fusel oil, 144.2 parts per 100,000 proof." Misbranding was alleged in the information for the reason that the label regarding the product and the substance and ingredients contained therein was false and misleading and labeled so as to deceive and mislead the purchaser, in that the label would indicate that the product was apricot brandy, whereas in truth and in fact it was not apricot brandy but was an apricot cordial.

On April 3, 1912, the case having come on for trial before the court and a jury, upon motion of the defendant, the court directed the jury to find a verdict of not guilty.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 11, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1578.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANNED SALMON.

On June 24, 1911, the United States Attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of canned salmon remaining unsold in the original unbroken packages and in the possession of the Goodman Grocery Co., San Antonio, Tex., alleging that the product had been shipped on or about January 29, 1911, by the J. K. Armsby Co., San Francisco, Cal., and transported from the State of California into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Fresh Oregon Choice Salmon, Packed by James Williams Packing Co., Astoria Clatsop Co., Oregon, Fat, Juicy, Delicious."

Misbranding of the product was alleged in the libel for the reason that the cans nor any of them did not contain "Fresh Oregon Choice Salmon, Fat, Juicy, Delicious," as they purported to contain and as labeled, but said cases and cans were each and all filled with and contained, and the product therein consisted of an inferior quality and grade of salmon, to wit, dog salmon or chum salmon, the poorest species canned, low in grade; and that the use of the words "Choice Salmon" in the label and brand of the product was false and misleading, and such as to mislead and deceive the purchaser, for the reason that the grade of salmon contained in the cans was of a grade and character much inferior to what is known and recognized by the trade as "Fresh Oregon Choice Salmon" and the canned salmon so contained in said cases was of such inferior grade and character as above alleged and was not "Fat, Juicy, Delicious" as labeled and branded.

On January 2, 1912, the J. K. Armsby Co., the Goodman Grocery Co., and the H. H. Branham Co. having filed their answers and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of costs by said claimants and the execution of a bond by them in conformity with section 10 of the Act, fixed by the court at \$300, the 48 cases of the product that had been seized should be released and delivered to said claimants.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 11, 1912.*

1578



Issued August 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1579.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SORGHUM AND CORN SYRUP.

On August 5, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 450 cases of sorghum and corn syrup, 150 of which each purported to contain six 10-pound cans, 250 of which each purported to contain one dozen 5-pound cans, and 50 of which each purported to contain two dozen 2½-pound cans, remaining unsold and in the original unbroken packages in possession of the Missouri Pacific Railway Co. (Inc.), Kansas City, Mo., and alleging that the product had been shipped on or about July 27, 1911, by the Fort Scott Sorghum Syrup Co., Fort Scott, Kans., and transported from the State of Kansas into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. Each of the 150 cases was branded in part: "Six ten lb. Cans, 7-27", and each of the cans contained in said cases was branded in part: "Sorghum & Corn Syrup, 10 lbs. (design—cut of field of cane) 51% pure sorghum, 49% corn syrup is used in preparation of this compound." Each of the 250 cases was branded in part: "1 Doz. 5 lb. Cans. This side up. 7-27", and each of the cans contained in said cases was branded in part: "Sorghum & Corn Syrup, 5 lb. (design—cut of field of cane) 51% Pure Sorghum 49% Corn Syrup is used in preparation of this compound." Each of the 50 cases was branded in part: "2 doz. 2½ lb. Cans. This Side Up With Care. 7-27", and each of the cans contained in said cases was branded in part: "Sorghum & Corn Syrup, 2½ lbs. (design—cut of field of cane) 51% Pure Sorghum 49% Corn Syrup is used in preparation of this compound." Misbranding was alleged in the libel for the reason that

the weight and measure of the contents of said cans and each of them were not plainly and correctly stated on the outside of said cans or packages or upon the shipping cases or cartons containing said cans or any of them, that is to say, the labels on the 150 cases and on the cans contained therein stated that the weight of the contents of each can was 10 pounds, whereas in truth and in fact it was less than 10 pounds and not more than 9 pounds and 8 ounces. The labels on the 250 cases and the cans contained therein stated that said cans and each of them contained 5 pounds of sorghum and corn syrup, whereas in truth and in fact they did not contain more than 4 pounds and $12\frac{1}{8}$ ounces. The labels on the 50 cases and the cans contained therein stated that said cans and each of them contained $2\frac{1}{2}$ pounds of sorghum and corn syrup, whereas in truth and in fact they did not contain more than 2 pounds and $5\frac{1}{3}$ ounces.

On August 8, 1911, answer having been filed by the Fort Scott Sorghum & Syrup Co., Fort Scott, Kans., admitting the allegations of the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that upon execution of bond by the claimant in conformity with section 10 of the Act, the product should be released and delivered to the said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 11, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1580.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On August 31, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 145 cases or boxes and 10 barrels, 30 of which cases or boxes each contained one dozen bottles of cherries, 75 of which contained two dozen bottles of cherries, and 40 of which contained four dozen bottles of cherries, and the 10 barrels each contained 250 bottles of cherries, remaining unsold in the original unbroken packages and in the possession of the Newby Transfer Co., a corporation, Kansas City, Mo., alleging that the product had been shipped by the Bettman-Johnson Co., of Cincinnati, Ohio, a corporation (date of shipment not shown), and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Thirty of the cases or boxes were labeled: "Glass. This side up with care. Artificially colored. Preserved with less than one-tenth of one percent. benzoate of soda. 1 Doz. large Liberty Maraschino Cherries (Design of Statue of Liberty and clusters of cherries). Ridenour-Baker Gro. Co. Kansas City, Mo." Seventy-five of the cases were labeled: "Glass. This side up with care. Artificially colored. Preserved with less than one-tenth of one percent. benzoate of soda. 2 doz. Medium Liberty Maraschino Cherries (design of Statue of Liberty and clusters of cherries). Ridenour-Baker Gro. Co. Kansas City, Mo." Forty of the cases were labeled: "Glass. This side up with care. Artificially colored. Preserved with less than one-tenth of one per cent. of benzoate of soda. 4 doz.

Small Liberty Maraschino Cherries (design of Statue of Liberty and cluster of cherries). Ridenour-Baker Gro. Co. Kansas City, Mo." The 10 barrels were labeled: "Glass. This side up with care. 250 bottles Liberty Maraschino Cherries. Artificially colored. Preserved with one-tenth of one per cent. benzoate of soda. Ridenour-Baker Gro. Co. Kansas City, Mo." The bottles in the 30 cases were each labeled: "Liberty (design of Statue of Liberty and clusters of cherries) And contains 1/10 of 1% benzoate of soda. Maraschino Cherries. Contains harmless color and harmless preservative. The contents of this package are guaranteed to comply with the National Pure Food and Drugs Act of June 30th, 1906. Serial No. 2161. Packed by the Bettman-Johnson Co., Cincinnati, O. U. S. A. Liberty (design of Statue of Liberty and clusters of cherries) Maraschino Cherries." The bottles in the 75 cases were labeled: "Liberty (design of Statue of Liberty and clusters of red cherries) Maraschino Cherries. Contains harmless color and harmless preservative. The contents of this package are guaranteed to comply with the National Pure Food and Drugs Act of June 30, 1906. Serial No. 2161. Artificially colored and preserved with less than 1/10 of 1% of benzoate of soda. Guaranteed by Serial No. 2161 to comply with the National Pure Food and Drugs Act of June 30, 1906. Liberty (design of Statue of Liberty and clusters of red cherries) Maraschino Cherries." The bottles in the 40 cases were labeled: "Liberty (design of Statue of Liberty and clusters of red cherries). Contains less than 1/10 of 1% benzoate of soda. Maraschino Cherries. Contains harmless color. The packers guarantee these cherries to comply with the National Pure Food and Drugs Act of June 30, 1906. Packed by The Bettman-Johnson Co., Cincinnati, O. U. S. A. Liberty (design of Statue of Liberty and clusters of red cherries). Maraschino Cherries." The bottles in the 10 barrels were labeled: "Liberty (design of Statue of Liberty and clusters of red cherries). Contains less than 1/10 of 1% Benzoate of soda. Maraschino Cherries. Contains harmless color. The packers guarantee these cherries to comply with the National Pure Food and Drugs Act of June 30, 1906. Packed by The Bettman-Johnson Co., Cincinnati, O. U. S. A. Liberty (design of Statue of Liberty and clusters of red cherries) Maraschino Cherries."

Adulteration was alleged in the libel for the reason that benzaldehyde or bitter almond product had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, said benzaldehyde or bitter almond product having been substituted wholly or in part for maraschino in the liquor or syrup in which the cherries were packed. Misbranding was alleged for the reason that the brands and labels on the boxes, barrels, and bottles were false and misleading, in that they stated and repre-

sented that said boxes, barrels, and bottles and each of them contained maraschino cherries, when in truth and in fact the cherries contained in said boxes, barrels, and bottles and each of them were not maraschino cherries or cherries put up and packed in maraschino liquor or in syrup flavored with maraschino, but were put up and packed in an imitation of maraschino liquor or syrup flavored with benzaldehyde or bitter almond product.

On November 7, 1911, the claimant, The Bettman-Johnson Co., Cincinnati, Ohio, filed a bill of exceptions to the sufficiency of the libel and also a demurrer. Thereafter the claimant company having admitted the averments in the libel and consented to a decree, on March 30, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of all costs by the claimant and the execution of bond by it in conformity with section 10 of the Act, fixed at \$2,500, the 151 cases of cherries seized by the marshal should be released to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 12, 1912.*

1580

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1581.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On or about March 8, 1912, Elias D. King, Germantown, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. The Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. The findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. The said Elias D. King was afforded opportunity to present to the Health Office evidence to show any fault or error on the part of the analyst or examiner, but failed to avail himself of such opportunity, and the facts were reported by the Health Officer to the United States Attorney for the District of Columbia.

On March 26, 1912, an information was filed against said Elias D. King in the Police Court of the District of Columbia, charging that the cream was adulterated in that a valuable constituent of the product, to wit, butter fat, was left out or abstracted in whole or in part. On the same day the defendant appeared in court and entered a plea of guilty and a fine of \$5 was imposed.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 12, 1912.*

50670°—No. 1581—12



THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

IN TWO VOLUMES.
THE FIRST VOLUME.
FROM THE BEGINNING OF HIS REIGN
UNTIL HIS DEATH.
IN TWO VOLUMES.
THE SECOND VOLUME.
CONTAINING THE HISTORY OF THE
COMMONWEALTH AND THE
REIGN OF CHARLES THE SECOND.
IN TWO VOLUMES.
THE THIRD VOLUME.
CONTAINING THE HISTORY OF THE
COMMONWEALTH AND THE
REIGN OF CHARLES THE SECOND.
IN TWO VOLUMES.
THE FOURTH VOLUME.
CONTAINING THE HISTORY OF THE
COMMONWEALTH AND THE
REIGN OF CHARLES THE SECOND.
IN TWO VOLUMES.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1582.

(Given pursuant to section 4 of the Food and Drugs Act.)

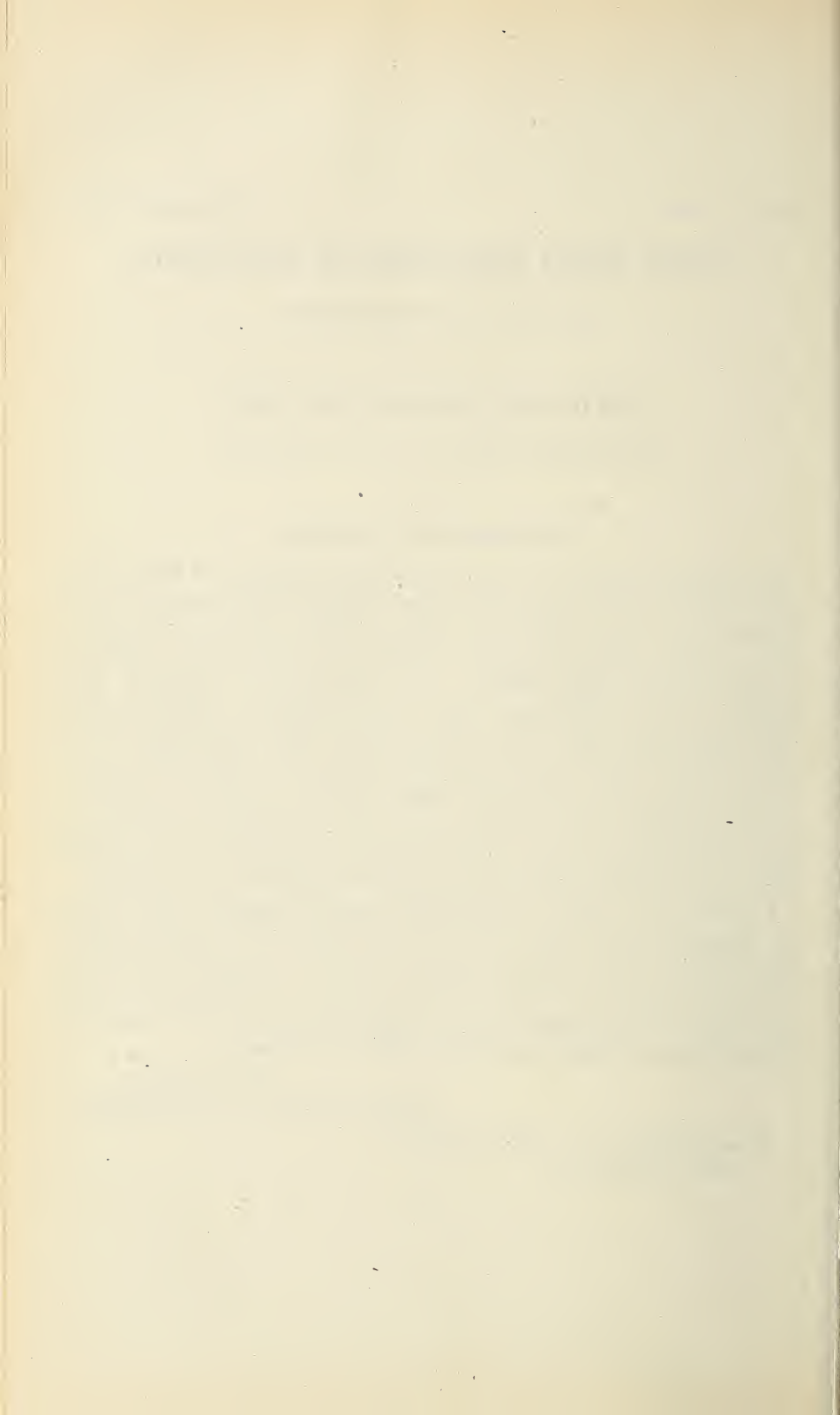
ADULTERATION OF CREAM.

On or about March 5, 1912, Charles K. Summers, of Lime Kiln, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. The Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. The findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. The said Charles K. Summers was afforded an opportunity to present to the Health Office evidence to show any fault or error on the part of the analyst or examiner, but failed to avail himself of such opportunity, and the facts were reported by the Health Officer to the United States Attorney for the District of Columbia.

On March 22, 1912, an information was filed against said Charles K. Summers in the Police Court of the District of Columbia, charging that the cream was adulterated in that a valuable constituent of the product, to wit, butter fat, was left out or abstracted in whole or in part. On the same day the defendant appeared in court and entered a plea of guilty and a fine of \$5 was imposed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 12, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1583.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF CREAM.

On or about March 6, 1912, Robert M. Heth, of Manassas, Va., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. The Health Officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. The findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. The said Robert M. Heth was afforded opportunity to present to the Health Office evidence to show any fault or error on the part of the analyst or examiner, but failed to avail himself of such opportunity, and the facts were reported by the Health Officer to the United States Attorney for the District of Columbia.

On March 26, 1912, an information was filed against said Robert M. Heth in the Police Court of the District of Columbia, charging that the cream was adulterated in that a valuable constituent of the product, to wit, butter fat, was left out or abstracted in whole or in part. On the same day the defendant appeared in court and entered a plea of guilty and a fine of \$5 was imposed.

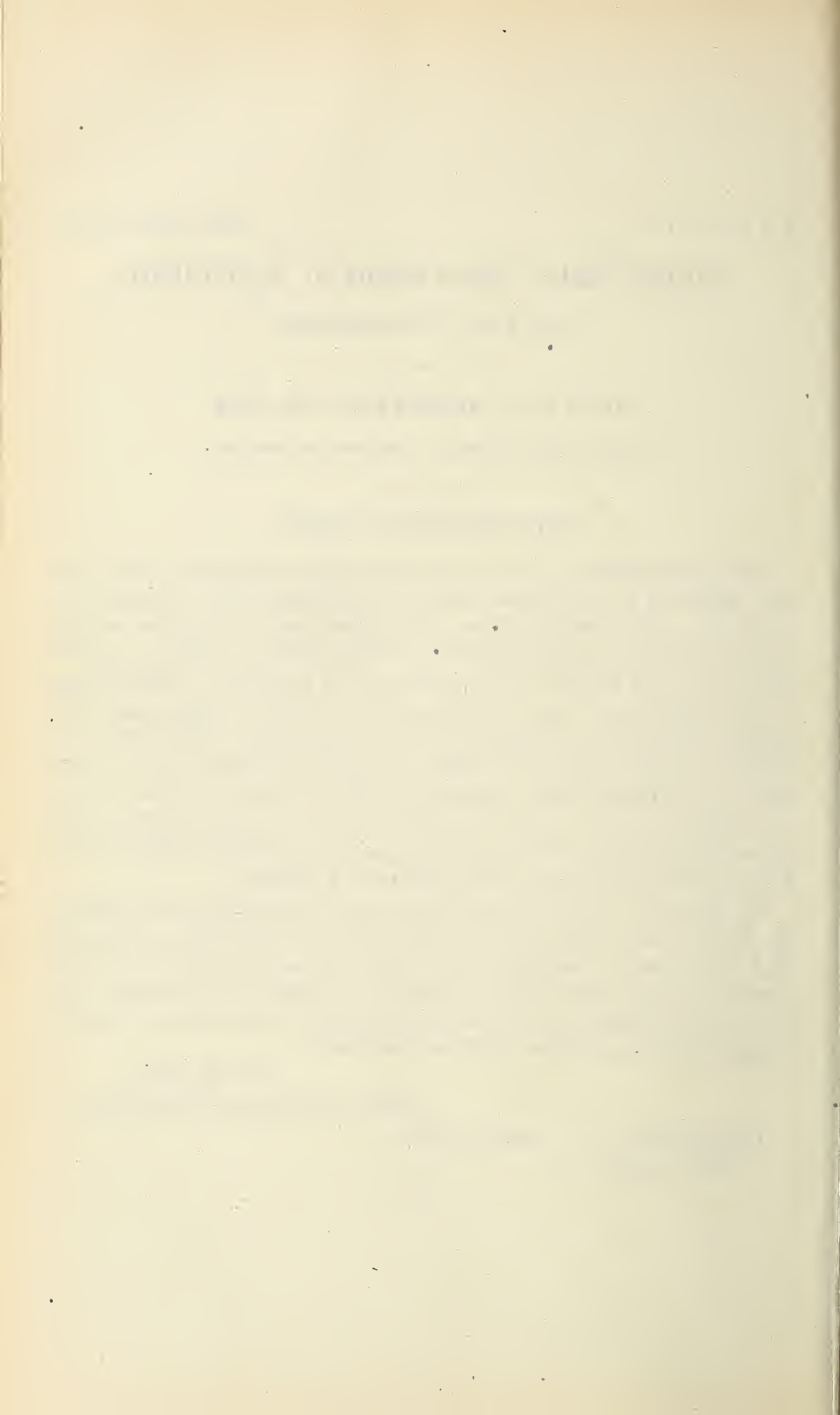
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 12, 1912.

50670°—No. 1583—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1584.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF TOMATO PRESERVES COMPOUND AND OF PLUM PRESERVES COMPOUND.

At the November, 1910, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Bessire & Co., a corporation, Indianapolis, Ind., alleging the shipment by it in violation of the Food and Drugs Act—

(1) On November 11, 1909, from the State of Indiana into the State of Ohio, of a consignment of tomato preserves packed in closed cans, which were misbranded. The product was labeled: "Bessire & Company's Tomato Preserves Compound. Tomatoes 25 per cent; Apple Sauce 25 per cent; Corn syrup 50 per cent. Serial number 6104. Indianapolis—Louisville."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids, 73.6 per cent; nonsugar solids, 36.7 per cent; sucrose, Clerget, 0.90 per cent; reducing sugars as invert, 36 per cent; commercial glucose (factor 163), 83.43 per cent; polarization direct, temperature 20° C., +142.2; polarization invert, temperature 20° C., +141.0; polarization invert, 87° C., +136.0; ash, 0.61 per cent; added phosphoric acid, none; test for salicylic and benzoic acids and saccharin, negative; test for coal tar color, negative.

(2) On December 11, 1909, from the State of Indiana into the State of Ohio of a consignment of plum preserves, packed in closed cans, which were misbranded. The product was labeled: "Bessire and Company's Plum Preserves, Compound, Fruit 25%, Apple Sauce 25%, Corn Syrup 50%; Serial No. 6104, Indianapolis, Louisville."

An analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Solids, 71.8 per cent; nonsugar solids, 34.9 per cent; sucrose, Clerget, 1.81 per cent; reducing sugars as invert, 35.12 per cent; commercial glucose (factor 163), 74.84 per cent; polarization direct, temperature 20° C., + 126.8; polarization invert, temperature 20° C., + 124.4; polarization invert 87° C., + 122.0; ash, 0.59 per cent; added phosphoric acid, none; test for salicylic and benzoic acids and saccharine, negative; test for coal tar color, positive; the color, on wool, gives the reactions of amaranth.

Misbranding of the products was charged in the indictment for the reason that the statement 50 per cent corn syrup so printed on the labels regarding the ingredients and substances contained in the cans or packages was false and misleading in that the ingredients and substances contained therein did not contain 50 per cent of corn syrup, and, in truth and in fact, contained a much greater per cent of corn syrup, to wit, 83.43 per cent of corn syrup in the consignment of tomato preserves compound and 74.84 per cent of corn syrup in the consignment of plum preserves compound.

On October 20, 1911, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$100 and costs. The second shipment was made November 11, 1909, while it was alleged in the indictment to have been made December 11, 1909

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1585.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On August 31, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of maraschino cherries, 18 of which each contained one dozen large bottles, 7 of which each contained two dozen medium bottles, and 5 of which each contained four dozen small bottles of the product, remaining unsold in the original unbroken packages and in possession of J. F. Conrad Grocer Co., St. Louis, Mo., alleging that the product had been shipped on or about July 13, 1911, from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was labeled in part: "Glass—This side up With Care—Artificially Colored Preserved with less than $\frac{1}{10}$ of 1% Benzoate of Soda N Y J. F. Conrad Gro. Co., St. Louis, Mo. Red Cherries Artificially Colored Rodier Brand." The paper carton wrapped around each of the bottles of the product was labeled: "Red Cherries Artificially Colored Contains $\frac{1}{10}$ of 1% Benzoate of Soda Rodier Brand To serve with Ice Creams, Desserts, Grape Fruit, etc. Warranted not to spoil in any climate.", and each of the bottles was labeled: "Every bottle guaranteed Maraschino Cherries Artificially Colored Contains $\frac{1}{10}$ of 1% Benzoate of Soda Rodier Brand To serve with Ice Creams, Desserts, Grape Fruit, etc. Warranted not to spoil in any climate."

Adulteration was charged in the libel for the reason that the product had been mixed and packed in a syrup flavored with benzaldehyde or bitter almond, which had been substituted in whole or in

part for true maraschino liqueur or a syrup flavored with maraschino liqueur; and in the manufacture of said product an article had been substituted in whole or in part for the article described upon the label. Misbranding was alleged for the reason that the product had not been packed in genuine maraschino liqueur or in a syrup flavored with that substance, but had been packed in a substance flavored with benzaldehyde or bitter almond; and that said product was so labeled as to deceive and mislead the purchaser and that the label thereon was false and misleading.

On February 28, 1912, the J. F. Conrad Grocer Co., St. Louis, Mo., the claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that if the said claimant within 30 days should file bond in conformity with section 10 of the Act, fixed by the court at \$500, and pay all costs of the proceeding, the product should be released.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*

1585



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1586.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On November 3, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50, 50, 416, 100, and 100 cases of tomato pulp remaining unsold in the original unbroken packages and in the possession of Harris, Glackman & Co., H. Von Lubken & Co., S. L. Bruck & Sons, and M. Weisman, respectively, all of New York, N. Y., alleging that the product had been shipped on or about September 27, 1911, by B. S. Ayars & Sons Co., Bridgeton, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The various consignments of the product were marked respectively, "Harris & Glackman, 3884 Park Avenue, New York City," (two consignments), "H. Von Lubken & Company, 893 East 134th Street, New York City.", "S. L. Bruck & Sons" and "M. Weisman, 2030 First Avenue, New York City."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance, containing bacteria, yeasts and spores, and mold filaments.

On March 14, 1912, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*

50670°—No. 1586—12





Issued August 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1587.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On November 3, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 734 cases of tomato pulp, remaining unsold in the original unbroken packages, and in the possession of Seeman Bros., New York, N. Y., alleging that the product had been shipped on or about October 4, 1911, by B. S. Ayars & Sons Co., Bridgeton, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Seeman Brothers, corner of Hudson & Moore Streets, New York City."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance, to wit, 25,000,000 bacteria per cc. and 33 yeasts and spores to one-sixtieth cmm., and mold filaments.

On March 21, 1912, Seeman Bros., New York, N. Y., having withdrawn their claim and answer previously filed by them, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*

50670°—No. 1587—12



THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

1679

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1588.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF POWDERED COCOA.

On October 30, 1911, the United States Attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cases, each case containing six 5-pound packages of powdered cocoa, and eight drums, each drum containing 25 pounds of powdered cocoa, remaining unsold in the original unbroken packages, and in the possession of the Waco Drug Co., a corporation, Waco, Tex., alleging that the product had been shipped on August 26, 1911, by the Meyer Bros. Drug Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and alleging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Wadruco brand dark cocoa, powdered, blended especially for use at the soda fountain. Waco Drug Co., Waco, Texas." Adulteration was alleged in the libel for the reason that the product had been prepared with and contained added alkali or alkaline salts, and by the use of such alkali or alkaline salts in the preparation of the product to which it had been added and was contained therein, as aforesaid, such alkali or alkaline salts had been substituted in part for the product. Misbranding was alleged for the reason that the product had been prepared with and contained added alkali or alkaline salts, and the branding and labeling of it failed to disclose or make any statement or reference of any character whatever to the effect that it had been prepared with and contained added alkali or alkaline salts, and the labeling and branding of the product was misleading in failing to make any disclosure or statement to the effect that it had

been prepared with and contained added alkali or alkaline salts which had been substituted in part for cocoa. Misbranding was alleged for the further reason that by the use and means of the labels and brands on the product it was made to appear that said product was manufactured by the Waco Drug Co., Waco, Tex., when in truth and in fact said company was not the manufacturer of the product but it was manufactured at a point in some State other than that of the State of Texas, and such labeling and branding was false and misleading as to the State and place in which said product was in fact manufactured.

On November 21, 1911, the Waco Drug Co., Waco, Tex., and the Meyer Bros. Drug Co., St. Louis, Mo., claimants, having filed their answers admitting the allegations of the libel, and the Meyer Bros. Drug Co., alleging that the product was purchased by it from Stollwerck Bros. (Inc.), New York, N. Y., under a guarantee that it complied in all respects with the Food and Drugs Act, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of all costs of the proceedings by the claimants and presentation of bond by them in conformity with section 10 of the Act, fixed by the court at \$300, the 16 cases and 7 drums of the product that had been seized should be released and delivered to said claimants.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*



Issued August 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1589.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF BUTTER.

On January 22, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert F. Lopez and Aimee Lopez, doing business under the firm name of V. Lopez & Co., New York, N. Y., alleging shipment by them on May 22, 1911, from the State of New York into the State of North Carolina of a consignment of butter which was adulterated. The product was labeled: "Blue ribbon brand best baking butter. 920 74 R. F. Warren, Wilmington, N. C."

Examination of a sample of the product by the Bureau of Chemistry of this Department indicated that it was adulterated, in that it contained an excessive amount of moisture. Adulteration was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and adulteration was further alleged for the reason that a certain substance, to wit, water, had been substituted in part for the product.

On February 26, 1912, the defendants entered a plea of guilty and the court sentenced them to pay a fine of \$10.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 14, 1912.*



THE UNIVERSITY OF CHICAGO

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1590.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On August 11, 1911, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 barrels purporting to contain pure apple vinegar, remaining unsold in the original unbroken packages, and in the possession of the Eloma Manufacturing Co., Pueblo, Colo., alleging that the product had been shipped (date not shown) from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Distributed by The Eloma Mfg. Co. Pure Apple Vinegar 48 Gals. Pueblo, Colo."

Adulteration of the product was charged in the libel for the reason that diluted acetic acid or distilled vinegar had been mixed with the product so as to reduce and lower its quality and strength, and for the reason that such diluted acetic acid or distilled vinegar had been substituted in part for the product. Misbranding was alleged for the reason that the words "Pure Apple Vinegar" were misleading and deceptive and intended to mislead and deceive purchasers into believing that the product was pure apple vinegar, whereas in truth and in fact it was not pure apple vinegar but in part a diluted solution of acetic acid or distilled vinegar. Misbranding was further alleged for the reason that the product was branded for sale under the descriptive name of pure apple vinegar, whereas in truth and in fact it was not pure apple vinegar but instead a substitute consisting in part of diluted acetic acid or distilled vinegar.

Thereafter, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal after relabeling the product.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 14, 1912.*

50672°—No. 1590—12



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1591.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ALLEGED MARASCHINO CHERRIES.

On September 19, 1911, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 9 cases each containing 12 bottles of alleged maraschino cherries, remaining unsold in the original unbroken packages, in possession of Charles Antoniazzi, Buffalo, N. Y., alleging that the product had been shipped on August 18, 1911, by the International Fruit Products Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases containing the bottles of the product were labeled: "12 Large Bottles, White Swan, I. F. P. Co. Superior Quality" (picture of a white swan and cherries) "Cherries. Maraschino Flavor," "The original contents of this package guaranteed under the National Pure Food Act of June 30, 1906," "Glass with care. This side up," "From the International Fruit Products Co. 11 East Pearl St. Cincinnati, O. For S. M. Flickinger Co. Buffalo, N. Y." Each bottle was labeled: "I. F. P. Co. trade mark" (colored pictures of red cherries) "White Swan. I. F. P. Co." (picture of a white swan and red cherries) "Maraschino Cherries. Guaranteed under the Food & Drugs Act, June 30th, 1906, by The International Fruit Products Co. Cincinnati, Ohio, U. S. A."; "containing 1-10 of 1% Sodium Benzoate. Harmlessly flavored. Colored from Certified Lot No. 154."

Adulteration of the product was alleged in the libel for the reason that a syrup, consisting essentially of water and sugar and containing the following ingredients with their approximate proportions,

to wit, alcohol, thirty-four one-hundredths of 1 per cent; sodium benzoate, thirteen one-hundredths of 1 per cent; benzaldehyde, eighteen one-hundredths of 1 per cent, and certain coloring matter, was wholly substituted in the place and stead of maraschino liqueur in the preserving and packing of said cherries. Misbranding was alleged for the reason that the product was labeled on the bottles "Maraschino Cherries," and on the cases containing the said bottles, "Cherries. Maraschino Flavor," whereas, in truth and in fact, the product was not maraschino cherries and did not contain maraschino flavor, and was therefore labeled and branded, both on the bottles and cases, so as to deceive and mislead all purchasers.

December 20, 1911, the Mihalovitch Co., a corporation, claimant, having filed its answer consenting to a decree and having agreed to pay the costs of the proceeding, judgment of condemnation and forfeiture was entered and it was further ordered that upon presentation of bond by said claimant in conformity with section 10 of the Act, fixed by the court at \$100, the product should be released and delivered to said claimant company.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 14, 1912.*



Issued August 30, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1592.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GRAPE BRANDY.

On February 27, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Basilea & Callandra, a corporation, New York, N. Y., alleging shipment by it, on December 31, 1910, from the State of New York into the State of Louisiana of a consignment of grape brandy which was misbranded. The product was labeled: "Grappe di Piemonte-Giuseppe Mancaboni-Canelli-Italia-Onde Guardarai Dalle Contraffazioni Esigete La Mia Firma-Giuseppe Mancaboni".

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Proof corrected to 60°F., 86.2; solids (grams per 100 liters of 100 proof), 40.4; acids (grams per 100 liters of 100 proof), 13.9; esters (grams per 100 liters of 100 proof), 88; aldehydes (grams per 100 liters of 100 proof), 31.4; furfural (grams per 100 liters of 100 proof), 0.2; fusel oil (grams per 100 liters of 100 proof), 76.7; total color to 100 proof, 1.8; residue after distillation has appearance of aging in wood; woody taste. Misbranding was alleged in the information for the reason that the product purported to be a foreign product, to wit, a product of Italy, when it was not so, but was, in truth and in fact, a domestic product.

On March 11, 1912, the defendant corporation entered a plea of guilty to the information and the court suspended sentence.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 14, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1593.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE JELLY, COMPOUND SUGAR JELLY, AND BLACKBERRY PIE FILLING COMPOUND.

At the November, 1911, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Bessire & Co., a corporation, Indianapolis, Ind., in three counts, charging shipment by it from the State of Indiana into the State of Kentucky, in violation of the Food and Drugs Act—

(Count 1) On November 21, 1910, of a consignment of apple jelly, packed in a wooden tub, which was misbranded. The product was labeled: "Bessire & Company's Mother's Make Mince Meat, Pie Fillings, Jellies, Jams and Preserves, Pure Apple Jelly Our Serial Number is 6104. Guaranteed * * * If it's Mother's Make, It's It. Indianapolis. If it's Mother's Make It's It. Louisville. Made from Apple Stock, Fruit Acid and Granulated Sugar Bessire & Co. (Incorporated) Indianapolis Louisville." (12440-c)

(Count 2) On November 21, 1910, of a consignment of compound sugar jelly, packed in a wooden tub, which was misbranded. The product was labeled: (12443-c) "Bessire & Company's Mother's Make Mince Meat, Pie Fillings, Jellies, Jams and Preserves Compound Sugar Jelly Our Serial Number 6104. Guaranteed * * * If It's Mother's Make It's It. Indianapolis. If it's Mother's Make It's It Louisville, Fruit 38%. Corn Syrup, 40%, Sugar 21%, Gelatine, Tartaric Acid, Artificial Flavor and Color 1%."

Analyses of samples of the above products by the Bureau of Chemistry of this Department showed the following results:

	Apple jelly.	Compound sugar jelly.
Solids by specific gravity (per cent)-----	65.2	74.2
Nonsugar solids (per cent)-----	3.9	26.1
Sucrose, Clerget (per cent)-----	14.3	6.2
Reducing sugars as invert before inversion (per cent)---	47.0	41.9
Commercial glucose (factor 163)-----	None.	28.5
Polarization direct, temperature 24.5° C-----	2.1	66.7
Polarization invert, temperature 24.5° C-----	20.8	58.6
Polarization invert at 87° C-----	1.3	46.5
Ash (per cent)-----	.55	.8
Acids (cc N/10 alkali per 100 grams)-----	126.5	181.0
Insoluble solids (per cent)-----	.13	None.
Phosphoric acid, as P_2O_5 (per cent)-----	.31	.57
Color -----	Natural.	Amaranth.
Salicylic acid -----	None.	None.
Benzoic acid-----	None.	None.
Arsenic -----	None.	None.

Misbranding of these products was charged in the indictment for the reason that the statements "Pure Apple Jelly" and "Compound Sugar Jelly" printed on the label attached to the products regarding the ingredients and substances contained therein were false and misleading in that there had been added to said apple jelly and compound sugar jelly an ingredient, to wit, phosphoric acid, which was not a normal constituent thereof.

(Count 3) On January 21, 1911, of a consignment of blackberry pie filling compound, packed in a wooden tub, which was misbranded. The product was labeled: "Bessire & Company's Mother's Make Mincemeat, Pie Fillings, Jellies, Jams, and Preserves, Blackberry Pie Filling Compound. Blackberry 30%, Apple 30%, Corn Syrup 40%. Our Serial Number is 6104. If It's Mother's Make It's It. Indianapolis, Louisville." Analysis of a sample of this product by the Bureau of Chemistry showed the following results: Solids, 68.5 per cent; nonsugar solids, 39.5 per cent; sucrose, Clerget, 0.7 per cent; reducing sugars as invert before inversion, 28.3 per cent; commercial glucose (factor 163), 66.5 per cent; polarization direct temperature 24.5° C., 111.8; polarization invert temperature 24.5° C., 110.9; polarization invert temperature 87° C., 108.4; ash, 0.79 per cent; acids (cc N/10 alkali per 100 grams), 126; insoluble solids, 8.17 per cent; phosphoric acid as P_2O_5 , 0.03 per cent; color, natural; preservatives, none; taste, resembles blackberry. Misbranding was charged in the indictment for the reason that the statement 40 per cent corn syrup printed on the label regarding the ingredients and substances contained in the wooden tub and package was false and misleading in that the ingredients and substances did not contain

40 per cent of corn syrup, and in truth and in fact contained a much greater per cent of corn syrup, to wit, 65.5 per cent.

Thereafter, the case having been submitted to the court, a finding of guilty was entered as to the first count of the indictment and the defendant was sentenced to pay a fine of \$200 and costs. Nolle prosequi was entered as to the second and third counts of the indictment.

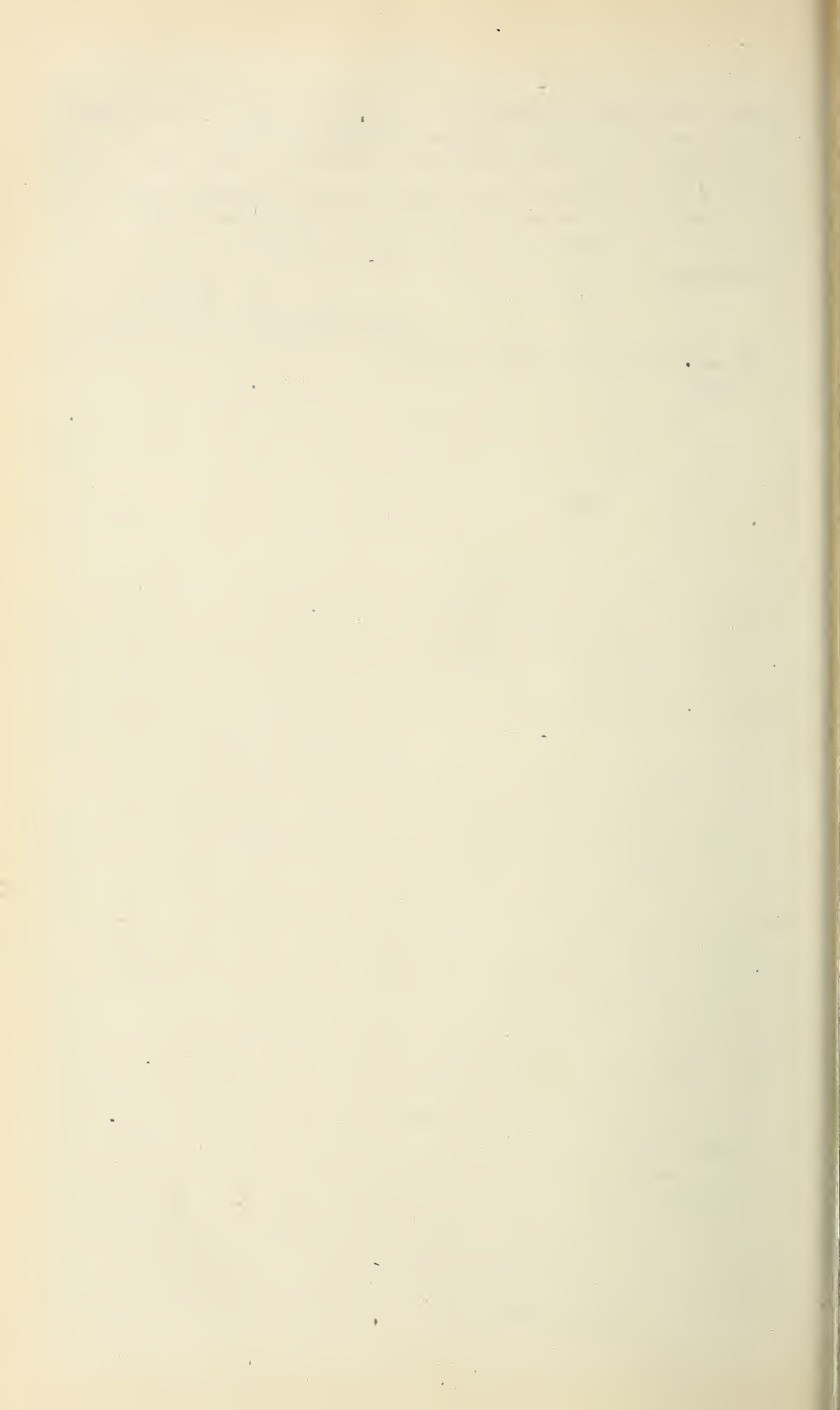
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 14, 1912.*

1593





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1594.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 18, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 boxes of cheese, remaining unsold in the original unbroken packages, in possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped on or about September 5, 1911, by the S. J. Stevens & Co., Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O. Waxelbaum Prod. Co., Macon, Ga.", and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 2,697 pounds, while they actually weighed 2,572½ pounds, and the contents of no single box was of the weight indicated thereon.

Misbranding was alleged in the libel for the reason that the 125 boxes by the above-mentioned penciled figures thereon incorrectly stated the weight or measure of the contents thereof and said penciled figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight of the contents of the same, and the marking and labeling were misleading in that the actual quantity of cheese contained in the 125 boxes was 4.6 per cent short of the marked weight. Misbranding was further alleged for the reason that there was nothing in the labeling and branding of the

boxes of the product to indicate that the actual net weight of the cheeses was less than the weight there given and the branding was, therefore, misleading.

On January 26, 1912, the Waxelbaum Produce Co., claimant, Macon, Ga., having admitted the allegations in the libel, paid the costs of the proceeding, and presented bond in conformity with section 10 of the Act, fixed by the court at \$2,000, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 15, 1912.*

1594



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1595.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF LEMON FLAVORED PIE FILLING.

On September 23, 1911, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 pails of lemon flavored pie filling, remaining unsold in the original unbroken packages in possession of the firm of Hermann & Jaffa, New Orleans, La., alleging that the product had been shipped on or about September 6, 1911, by Zschunke Bros., a partnership, Baltimore, Md., and transported from the State of Maryland into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Lemon Flavored Pie Filling—Manufactured by Zschunke Bros., Baltimore, Md.—Guaranteed under the Pure Food and Drugs Act, June 30, 1906. Serial No. 18316"—"Hermann & Jaffa, New Orleans, La.—% Morgan Line—N. Y.—Proteus 188—Sept. 8-11-37"—"940—B-7-10-11".

Misbranding was alleged in the libel for the reason that the product contained benzoic acid which was not declared on the label, and in that manner it was labeled and branded so as to deceive and mislead the purchaser.

On December 29, 1911, no claimant having appeared for the property, a decree of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 15, 1912.*

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF

THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard, near the North Gate

1679

By Authority

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard, near the North Gate

1679

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1596.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION AND MISBRANDING OF RASPBERRY FRUIT JUICE AND STRAWBERRY FRUIT JUICE.

On November 15, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. J. Bush & Co., a corporation, Linden, N. J., alleging shipment by it, in violation of the Food and Drugs Act—

(1) On January 13, 1911, from the State of New Jersey into the State of Illinois of a consignment of an article called and designated raspberry fruit juice which was alleged to have been adulterated and misbranded. The product was labeled: "One pound Concentrated Raspberry Fruit Juice. Prizes awarded to W. J. Bush & Co. Incorporated New York, Chicago, Laboratory and works Linden, N. J. For good specimens of fruit essences and essential oils. * * * ."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Alcohol, none; solids, 83.10 per cent; sugar as invert, 41.68 per cent; ash, 7.88 per cent; salt free ash, 3.78 per cent; salt, 4.10 per cent; alkalinity of total ash calculated as potassium carbonate, 3.25 per cent; total phosphates (P_2O_5) (mg) 290; total acids as citric, 18.76 per cent; esters as ethyl acetate, 0.15 per cent. Adulteration of the product was charged in the information for the reason that a substance, to wit, a compound and mixture prepared in imitation of raspberry fruit juice, was alleged to have been substituted wholly for said product. Misbranding was charged for the reason that the product was labeled "Raspberry Fruit Juice," and said label was alleged to have been false and misleading because it deceived the purchaser into the belief that the product was genuine raspberry juice, whereas, in truth and in fact, it was prepared in imitation of the genuine article.

(2) On January 31, 1911, from the State of New Jersey into the State of Illinois of a consignment of an article called and designated strawberry fruit juice, which was alleged to have been adulterated

and misbranded. The product was labeled: "One Pound Concentrated Strawberry Fruit Juice. Prizes, Medals awarded W. J. Bush & Co. incorporated, New York, Chicago, Laboratory & works Linden, N. J. For good specimens of fruit essences and essential oils.
* * *"

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Alcohol, none; solids, 79.98 per cent; sugar as invert, 54.48 per cent; ash, 6.91 per cent; salt free ash, 3.73 per cent; salt, 3.18 per cent; alkalinity of total ash calculated as potassium carbonate, 2.94 per cent; total phosphates (P_2O_5) (mg) 304; total acids as citric, 8.10 per cent; esters as ethyl acetate, 1.93 per cent. Adulteration of this product was charged in the information for the reason that a substance, to wit, a compound and mixture prepared in imitation of strawberry fruit juice, was alleged to have been substituted wholly for said product. Misbranding was charged for the reason that the product was labeled "Strawberry Fruit Juice," and said label was alleged to have been false and misleading because it deceived the purchaser into the belief that the product was genuine strawberry juice, whereas, in truth and in fact, it was prepared in imitation of the genuine article.

On December 26, 1911, the defendant entered a plea of not guilty and on February 14, 1912, the case having come on for trial, before the court and a jury, a verdict of not guilty was returned by the jury, by direction of the court.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 15, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1597.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SUGAR VINEGAR.

On October 4, 1911, the United States Attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 barrels purporting and representing to contain 40 grain sugar vinegar, remaining unsold in the original unbroken packages and in possession of the Peninsular Wholesale Grocery Co., Houghton, Mich., alleging that the product had been shipped on or about September 16, 1911, by the Illinois Vinegar Manufacturing Co., Chicago, Ill., and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Illinois Vinegar Manufacturing Company, Chicago, 40 Grain Sugar Vinegar."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of distilled vinegar. Misbranding was alleged for the reason that the product was labeled "Sugar Vinegar," whereas, in truth and in fact, it was composed in whole or in part of distilled vinegar.

On December 2, 1911, judgment of condemnation and forfeiture was entered and it was further ordered that upon presentation of bond in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered. The claimants of the product are not shown.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 15, 1912.*

50692°—No. 1597—12



THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION
PUBLISHED WEEKLY

CHICAGO, ILL., MAY 1, 1919

Vol. 21, No. 19

Subscription price, \$5.00 per annum in advance

Single copies, 15 cents

Entered as second-class matter, May 2, 1912

Postpaid

Acceptance for mailing at special rate of postage provided for in

Act of October 3, 1917

Authorized by Act of October 3, 1917

Postage paid at Chicago, Ill.

Postmaster: Send address changes to JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 N. Dearborn St., Chicago, Ill.

Subscription orders, notices of change of address, and all correspondence should be sent to the Editor, JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 N. Dearborn St., Chicago, Ill.

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Printed at the Chicago Press & Publishing Co., Chicago, Ill.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1598.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On October 7, 1911, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel of so-called blackberry cordial, remaining unsold in the original unbroken package in possession of Vic Dubois, New Orleans, La., alleging that the product had been shipped on or about August 30, 1911, by H. F. Kauffman & Co., New York, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrel in which the product was contained was labeled: "Blackberry" "Cordial, B. B., Flavor—Benzoate of Soda—Saccharine."

Adulteration was alleged in the libel for the reason that the labels on the product indicated that it was genuine cordial with blackberry flavor, whereas, in truth and in fact, it was not a genuine cordial with blackberry flavor, but was an imitation blackberry cordial wherein there had been mixed and packed a fermented solution of impure starch sugar so as to reduce, lower, and injuriously affect the quality and strength of the so-called cordial, and said fermented solution of impure starch sugar had been substituted for the genuine cordial, blackberry flavor, which the labels aforesaid indicated was in the barrel containing the product. Misbranding was alleged for the reason that the product bore labels which contained statements regarding the product and the ingredients and substances contained therein which were false and misleading in that they represented the so-called cordial to be genuine cordial, blackberry flavor, whereas, in

truth and in fact, it was not such genuine cordial, but was an imitation product consisting of a fermented solution of impure starch sugar, preserved with benzoate of soda, the quantity of which was not indicated by the label; that the product, labeled as aforesaid, was an imitation of and offered for sale under the distinctive name of another article, to wit, genuine cordial, blackberry flavor, whereas, in truth and in fact, it was not such genuine cordial, and the labels thereon were such as to deceive and mislead the purchaser into believing that it was a genuine cordial, blackberry flavor, when in truth and in fact it was not.

On January 17, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 15, 1912.*

1598



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1599.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF TEMPERINE.

On October 14, 1911, the United States Attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing four dozen bottles of Temperine, remaining unsold in the original unbroken packages, and in the possession of A. Franks, Harrisburg, Ill., alleging that the product had been shipped by A. M. Laevison & Co., Paducah, Ky. (date not shown), from the State of Kentucky into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The cases containing the product were labeled: "This case of bottles to be returned as soon as empty by same route as received. A. Franks, Harrisburg, Ill. Contents four dozen small bottles ale, Oct. 9, 1911. From A. M. Laevison and Co. Hires Root Beer, Dr. Fizz, temperine, cream ale, Ginger ale, phosphates, ciders, soda waters, Paducah, Ky." Each bottle was labeled: "The Great Temperance Drink. Contains less than $\frac{1}{2}$ of 1% of Alcohol. Laevison's Original Temperine. Non-intoxicating. Guaranteed by A. M. Laevison & Co. Paducah, Ky. under the Food and Drugs Act, June 30, 1906, A. M. Laevison & Co. Paducah, Ky. Sparkling, Refreshing, Delicious, Healthful."

Misbranding was alleged in the libel for the reason that the product contained more than one half of one per cent of alcohol and was not nonintoxicating.

On December 12, 1911, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 15, 1912.

50692°—No. 1599—12



THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1600.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF HIGHLAND BRAND TOMATO CATSUP; MISBRANDING OF COMPOUND GLUCOSE APPLE JELLY; ADULTERATION OF WALDORF BRAND TOMATO CATSUP.

On November 27, 1911, the United States Attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Williams Bros. Co., a corporation, Detroit, Mich., alleging shipment by it, in violation of the Food and Drugs Act—

(1) On April 10, 1910, from the State of Michigan into the State of Oklahoma of a consignment of tomato catsup which was adulterated and misbranded. The product was labeled: "Highland Brand Tomato Catsup. From Tomatoes, parts of tomatoes, salt, sugar, vinegar and spices. Prepared with 1/10 of 1% benzoate of soda. The Williams Bros. Co. Detroit, Mich."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 250 per one-sixtieth cmm; bacteria, 34,000,000 per cc; mold filaments in about 66 per cent of the microscopic fields. Adulteration was charged in the information for the reason that the product consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, and further that it was made from low-grade stock consisting principally of skins and cores of tomatoes and showed no evidence of active spoilage when opened, indicating that it was filthy and decomposed when shipped in interstate commerce. Misbranding was alleged for the reason that the statements on the label were misleading and deceptive in that the statement "Tomato Catsup", followed by the words "from tomatoes, parts of tomatoes, salt, sugar, vinegar and spices", was misleading and deceptive in view of the fact that the product was not made wholly from the ingredients named but from low-grade stock, consisting principally of skins and cores. Misbranding was further alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being represented as a product made from the normal ingredients of tomato catsup, to wit, from the properly prepared pulp of clean, sound, fresh, ripe tomatoes, with spices and with or without permitted preservatives, when such was not the fact.

(2) On or about May 10, 1911, from the State of Michigan into the State of Georgia of a consignment of so-called compound glucose apple jelly which was misbranded. The product was labeled: "Compound Glucose Apple Jelly—contains apple juice 45%, Glucose 55% Trade Mark Made and guaranteed by the Williams Bros. Co., Detroit, Mich. U. S. A. * * * Serial No. 779." (Original case) "3 Doz. 6 oz. Tumblers Glucose Apple Jelly. Contains Apple Juice and Glucose. Trade Mark, The Williams Brothers Co., Detroit, Mich. U. S. A."

Analysis of a sample of this product by the Bureau of Chemistry of this Department disclosed the presence of 0.45 per cent tartaric acid. Misbranding of the product was alleged in the information for the reason that the statements appearing on the labels regarding the substances and ingredients contained therein were false and misleading and deceptive to the purchaser thereof in that the said product contained tartaric acid 0.45 per cent. Misbranding was further alleged for the reason that the label on the product was false and misleading, said product being labeled "Compound Glucose Apple Jelly—contains apple juice 45%, Glucose 55%", thereby purporting to state all the ingredients of said product, whereas, in truth and in fact, it contained, in addition to these ingredients, an amount of tartaric acid, the presence of which was not stated on the label. Misbranding was further alleged for the reason that the statements in the labels deceived and misled the purchaser in that they purported to state all the ingredients of the product, whereas, in truth and in fact, it contained, in addition to the ingredients stated on the label, an amount of tartaric acid, the presence of which was not declared thereon.

(3) On October 12, 1910, from the State of Michigan into the State of Oklahoma of a consignment of so-called Walcoif Brand Tomato Catsup which was adulterated. The product was labeled: "Walcoif Brand Trade Mark. W. Bros. Co. Tomato Catsup Prepared with 1/12 of 1% Benzoate of Soda. Contains tomatoes, sugar, salt, vinegar & spices. Put up by the Williams Bros. Co. Detroit, Mich."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 80 per one-sixtieth cmm; bacteria, 200,000,000 per cc; mold filaments in 71 per cent of the fields. Adulteration of this product was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed substance.

On March 19, 1912, the defendant company appeared in court and entered a plea of nolo contendere, whereupon a fine of \$1 was imposed in each of the three cases, with costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 17, 1912.

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American Pastry & Mfg. Co.....	1415
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Tujague, Leon.....	1062	Preserves, Peach apple:	
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Greek Trading Co.....	1275	Preserves, Plum:	
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Decker, Garrett F., & Co.....	1192	Bessire & Co.....	1584
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St. Louis Syrup & Preserving Co.....	1038	Raspberry.)	
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Peach extract. (<i>See Extract, Peach.</i>)		Raspberry Sirup. (<i>See Sirup, Raspberry.</i>)	
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Seeley, A. B., & Son.....	1262	Burkenroad-Goldsmith Co. (Ltd.).....	1340
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Peerless horse feed:		Gordon Syrup & Pickle Co.....	1240
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Sirup, Cane and maple, Butterfly:	
Gordon Syrup Co.	1394
Sirup, Clymer's Table Seerop Temtors:	
St. Louis Syrup & Preserving Co.	1367
Sirup, Corn and sorghum:	
Fort Scott Sorghum & Corn Syrup Co.	1475, 1579
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Stewart & Holmes Drug Co.	1156
Sirup, Rosebud drips:	
Gordon Syrup & Pickle Co.	1240
Sirup, Sorghum and corn:	
Fort Scott Sorghum & Syrup Co.	1475, 1579
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Superior Chemical Co.	1105
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Kellogg Mfg. Co.	1548, 1549
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Sulphate, Sodic aluminic:	
Superior Chemical Co.	1105
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St. Louis Syrup & Preserving Co.	1367
Temptors, Molasses:	
St. Louis Syrup & Preserving Co.	1399
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Blue Grass Canning Co.	1195
Burlington Vinegar & Pickle Co.	1003
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Chance's, R. C., Sons.	1006, 1522, 1563
Corey, Henry B.	1427

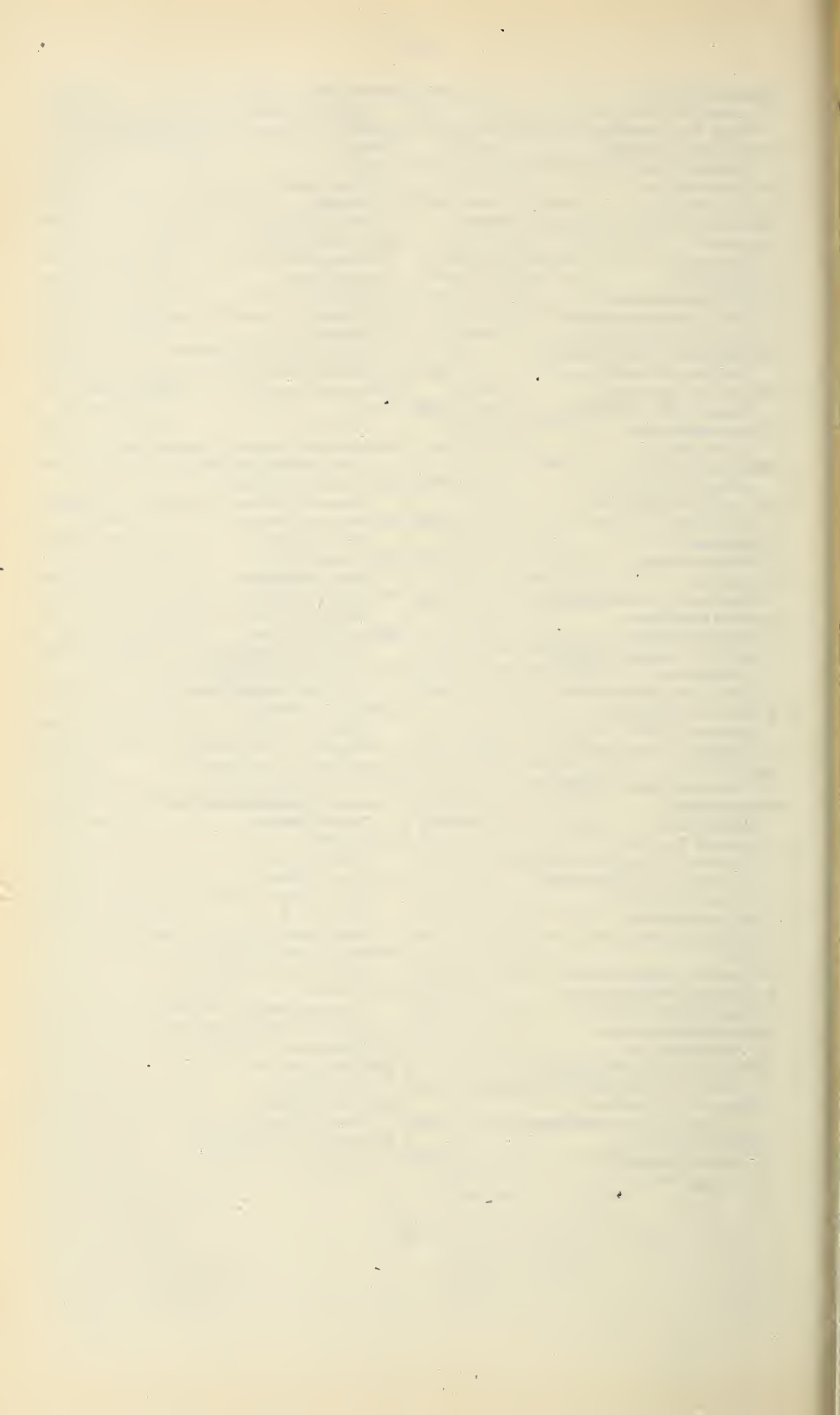
Tomato ketchup—Continued.	N. J. No.
Edler, Fred C.	1054
Farmer's Loan & Trust Co.	1427
Frazier Packing Co.	1162, 1163, 1175, 1352
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Polk, J. T., Co.	1090
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Snyder, T. A., Preserve Co.	1346, 1358
Soper, A. C., & Co.	1055, 1326, 1436
Spraul, George, Packing Co.	1044, 1271 (suppl. to 1044)
Weller, H. N., & Co.	1196
Weller, J., Co.	1199, 1201
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Gross, Ignatius, Co.	1469
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New Blue Grass Canning Co.	1320
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Torsch Packing Co.	1270
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New Blue Grass Canning Co.	1106, 1320
Tomato sauce:	
Delgaizlo, Florida.	1477
Garamone, Frank A.	1477
Gross, Ignatius, Co.	1242

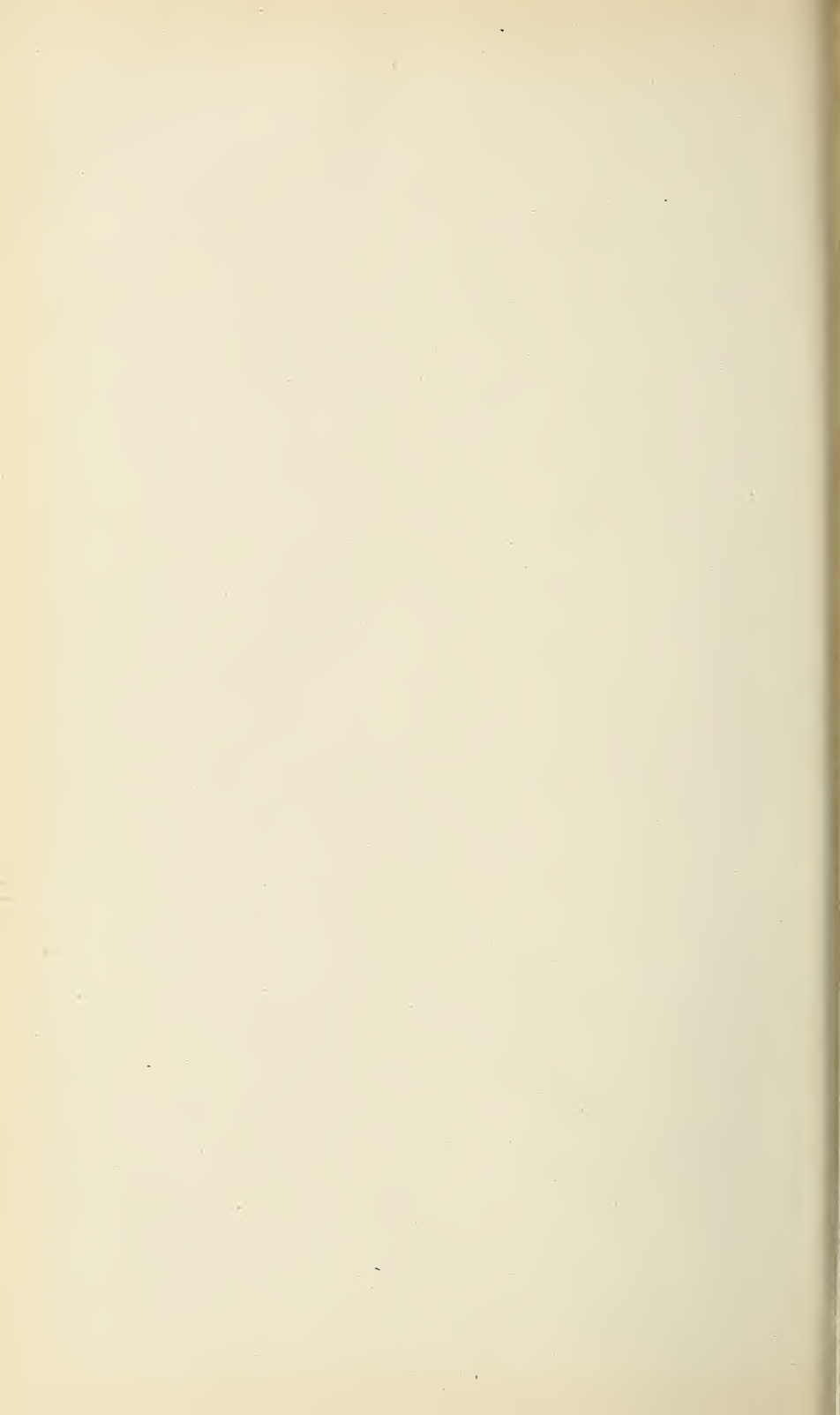
Coffee—Continued.	N. J. No.	Niersteiner:	N. J. No.
Kenny, C. D., Co.....	1279	Bettman-Johnson Co.....	1452
McLaughlin, W. F., & Co.....	1112	Orange curaçao. (See Curaçao, Orange.)	
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Wilde's, Samuel, Sons Co.....	1125	Sutton, Carden & Co. (Ltd.).....	1347
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Cordial, Banana:		Sirup, Tamarind:	
Tyson, William J.....	1523	Bernogozzi, W. P.....	1082
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Bettman-Johnson Co.....	1440	Soda-water sirup cola:	
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Rheinstrom, Minna W.....	1430	Blue Seal Supply Co.....	1040
Cream of Hops:		Tamarind sirup. (See Sirup, Tamarind.)	
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Lobe, Phillip, & Son.....	1480	Anderson, William H.....	1032
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Peck-Johnson Co.....	1157	Williams, J. D., & Bro. Co.....	1197
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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1601.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ORANGE EXTRACT.

On February 6, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Anchor Manufacturing Co., a corporation, New Orleans, La., alleging shipment by it, in violation of the Food and Drugs Act, on or about May 18, 1911, from the State of Louisiana into the State of Texas, of a quantity of so-called orange extract, which was adulterated and misbranded. The product was labeled: "The birthplace of quality Anchor Manufacturing Company. Pure Orange extract, Directions, * * * Office and Laboratory No. 539 Magazine Street, New Orleans."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 47.06 per cent; methyl alcohol, absent; orange oil, trace only; total aldehydes as citral, 0.04 per cent; coloring matter, apparently natural. Adulteration of the product was alleged in the information for the reason that pure orange extract contains not less than 5 per cent by volume of oil of orange, and said product was represented by the label thereon to be pure orange extract, but in truth and in fact it contained much less than 5 per cent by volume of oil of orange, and was not pure orange extract, but there had been mixed and packed with it a substance, to wit, water, so as to reduce, lower, and injuriously affect its quality and strength, and said substance water had been substituted in part for the genuine article, pure orange extract.

Misbranding was alleged for the reason that the label bore the statement that said product was pure orange extract, which was false and misleading, in that the said article was not a pure orange extract,

and it was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, and to make him believe that it was pure orange extract, when in truth and in fact it was not a pure orange extract.

On February 7, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 17, 1912.*

1601

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1602.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SALAD OIL; ADULTERATION AND MISBRANDING OF VANILLA FLAVOR.

On January 4, 1912, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against G. W. Fischer and F. T. Fischer, copartners, doing business as Fischer Bros., Seattle, Wash., alleging shipment by them, in violation of the Food and Drugs Act, from the State of Washington into the Territory of Alaska—

(1) On or about April 29, 1911, of a quantity of salad oil which was misbranded. The product was labeled: "Durand Salad-Oil, Guaranteed by Fischer Bros. under the Food and Drugs Act. June 30, 1906, Serial No. 11176. Packed by Fischer Brothers, Seattle."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.9220; index of refraction at 25° C., 1.4701; iodine number, 111.7; free fatty acids, as oleic, 0.11 per cent; Halphen test, positive; sesame oil test, negative. Misbranding of the product was alleged in the information for the reason that it was so labeled and branded as to deceive and mislead the purchaser, the label thereon conveying the impression that the product was olive oil, whereas in truth and in fact it was cottonseed oil.

(2) On or about June 8, 1911, of a quantity of vanilla flavor which was adulterated and misbranded. The product was labeled "Vanilla Flavor."

Analysis of a sample of the product, made by the Bureau of Chemistry of this Department, showed the following results: Specific

gravity, 1.0113; alcohol by volume, 24.68 per cent; methyl alcohol, absent; solids from specific gravity of dealcoholic extract, 10.35 per cent; glycerol, present; total sugars, 4.27 per cent; ash, 0.11 per cent; vanillin, 0.06 per cent; coumarin, absent; lead number, 0.17; vanilla resins, absent; coloring matter, caramel. Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation flavor of vanilla, had been mixed and packed therewith in such a manner as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, an imitation flavor of vanilla, had been substituted in part for the genuine vanilla, and further, in that said product was colored in a manner whereby its inferiority was concealed. Misbranding was alleged in the information for the reason that the label thereon was false and misleading, such labeling purporting that said article was a genuine vanilla flavor, conforming to the commercial standard of such article, whereas in truth and in fact it was a dilute vanilla flavor. Misbranding was further alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Vanilla Flavor," thereby purporting that it was a genuine vanilla flavor, conforming to the commercial standard of such article, whereas in truth and in fact it was a dilute vanilla flavor.

On January 5, 1912, the defendants entered a plea of guilty, and they were sentenced to pay a fine of \$25 on each of three counts, namely, misbranding of salad oil, adulteration of vanilla flavor, and misbranding of vanilla flavor, and costs taxed at \$25.26.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 17, 1912.*

Issued August 30, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1603.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "FRUTENA."

On November 13, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 4 dozen packages of "Frutena", and 15 cases, each containing 24 packages of "Frutena", remaining unsold and in the original unbroken packages, and in the possession of George R. Danenhowe & Son, Camden, N. J., alleging that the product had been shipped on June 2, 1911, and June 6, 1911, by the Frutena Co., a corporation, Baltimore, Md., and transported from the State of Maryland into the State of New Jersey, and alleging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "Doz. Hasty Dessert, Frutena, a Compound assorted. The Frutena Company of Baltimore, Md., U. S. A. Trade Mark." (An illustration of a dish of assorted fruit) "Patented November 15, 1900." The packages were labeled: "Hasty Frutena (illustration of basket assorted fruit) The Frutena Co., Baltimore, Md., U. S. A. A delicious compound. Frutena, a delicious combination of cereals and Fruits, with the following flavors: Vanilla, Chocolate, Lemon, and Orange. Prepared only by the Frutena Company, Baltimore, Md., U. S. A.", and the labels also contained the name of the flavor, in some cases "Lemon", in others "Vanilla", and in others "Chocolate".

Adulteration of the product was alleged in the libel for the reason that a substance had been substituted wholly for said product, and because it was mixed and colored in a manner whereby its inferiority

was concealed. Misbranding was alleged for the reason that the labels on the product, and the inscriptions, delineations, and language thereon were intended by their term and the style of display to indicate that said product was a mixture of pure fruits and cereals, when in truth and in fact it was not so, but there was substituted for fruit and cereal, a product consisting of corn starch, the product in 594 of the packages contained in said cases having been artificially colored in imitation of a mixture of fruits and cereals, and the remaining 54 of the packages having been labeled "Chocolate", none of said packages containing fruit. Misbranding was further alleged for the reason that the labels were intended and calculated to deceive and mislead the purchaser thereof, and because the product was an imitation offered for sale under the distinctive name of another article, and because the labels thereon bore false and misleading statements, designs, and devices regarding the ingredients and substances contained therein.

On February 13, 1912, decree of condemnation and forfeiture was entered, and it was further ordered, upon presentation of a bond in conformity with section 10 of the Act, and payment of costs, that the shipments be released and delivered to claimants, name of claimants not shown.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 17, 1912.*

1603



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1604.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS IN SHELL.

On November 28, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the said District, holding a district court, a libel for seizure and condemnation of two sacks of oysters in shell, remaining unsold and in possession of William Robinson, Washington, D. C., alleging that the product had been transported from the State of New Jersey into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reasons said product was absolutely unfit for human consumption.

On December 29, 1911, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

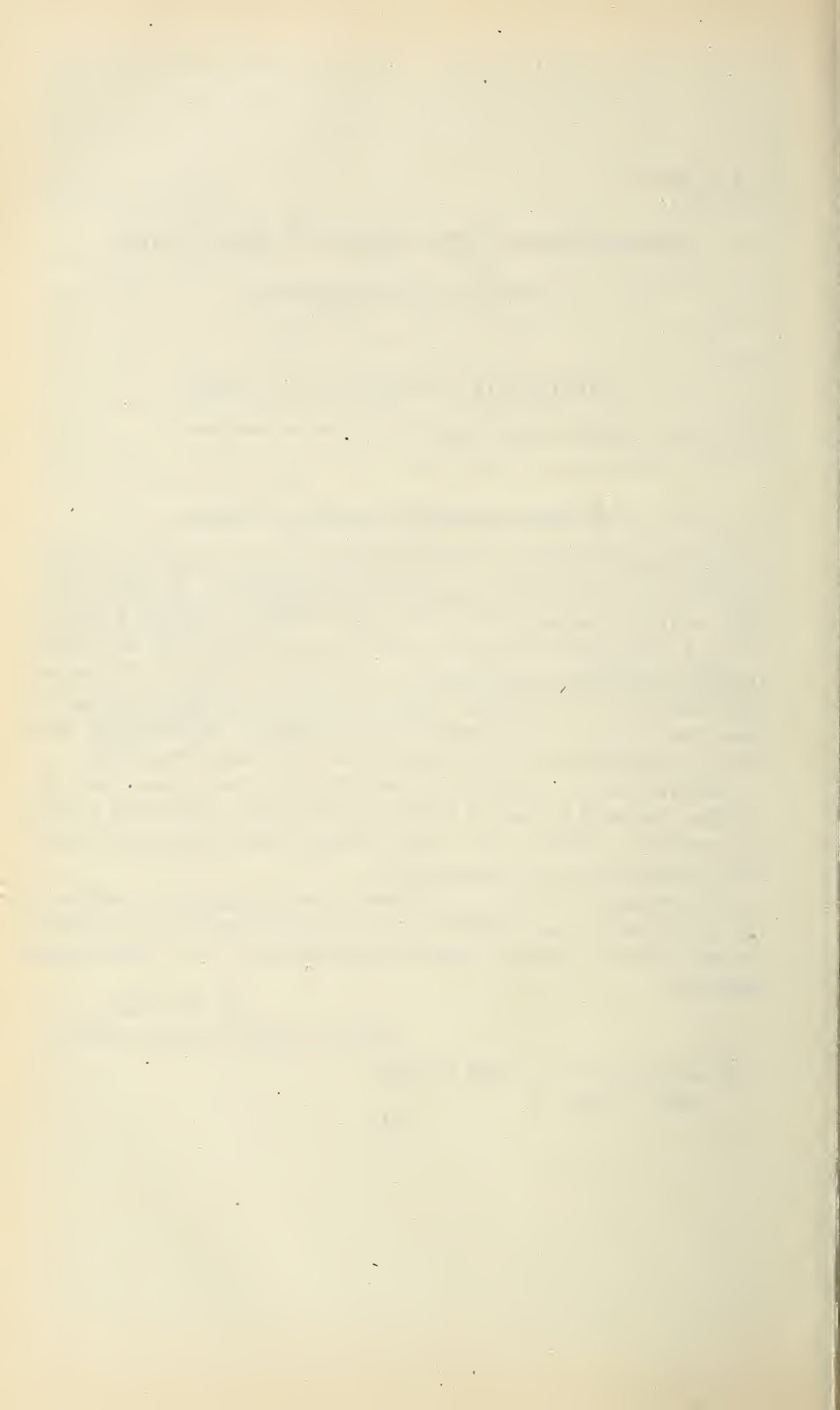
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 17, 1912.*

50695°—No. 1604—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1605.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF LEMON FLAVOR.

On February 6, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James C. Gomila, doing business under the name of the Pan-American Manufacturing Co., New Orleans, La., alleging shipment by him, in violation of the Food and Drugs Act, on or about June 8, 1911, from the State of Louisiana into the State of Georgia, of a quantity of so-called lemon extract, which was adulterated and misbranded. The product was labeled: "Lemon Flavor, Harmless color added. Pan-American Extracts, Flavors, Colors, Cocoas, For Bakers, Ice Cream Manufacturers, Confectioners and Bottlers. Importers of Vanilla Beans, Essential Oils, Ethers, Etc., Quality. Pan-American Mfg. Co., 3000-3016 Royal Street, New Orleans, La. The Contents of this package is guaranteed by the Pan-American Mfg. Co., to conform with the Pure Food and Drugs Act of June 30th, 1906. Directions: To each gallon of plain syrup add one ounce of this flavor, two ounces Acid Solution, one ounce Soda Foam. Color to suit."

Analysis of a sample of the product, made by the Bureau of Chemistry of this Department, showed the following results: Specific gravity 15.6° C./15.6° C., 0.93816; alcohol (per cent by volume), 48.04; methyl alcohol (per cent by volume), none; oil (per cent by volume), (a) by polarization, 0.16, (b) by precipitation, trace; citral (per cent by weight), 0.15; total aldehydes, as citral (per cent by weight), 0.125; color, Naphthol Yellow S. Adulteration was alleged in the information for the reason that the product contained much

less than 5 per cent by volume of oil of lemon, and was not genuine lemon flavor, which contains not less than 5 per cent by volume of oil of lemon, and there had been mixed and packed with the product water, so as to reduce, lower, and injuriously affect its quality and strength below the standard of genuine lemon extract or flavor. That said product was further adulterated in that water had been substituted in part for genuine lemon flavor, and for the further reason that the label on the product indicated that it was genuine lemon flavor, whereas in truth and in fact it was not so, but had been colored in a manner whereby it was made to look like genuine lemon flavor, and its inferiority was concealed. Misbranding was alleged for the reason that lemon extract and lemon flavor are the same article, and contain not less than 5 per cent by volume of oil of lemon, and the product in question contained much less than 5 per cent by volume of oil of lemon, and was not genuine lemon flavor or extract, and the label thereon bore the statement that the product was lemon flavor, which was false and misleading, as it was not genuine lemon flavor. Misbranding was further alleged for the reason that the label indicated that the product was a genuine lemon flavor, whereas in truth and in fact it was not, and said label was such as to deceive and mislead the purchaser into the belief that it was a genuine lemon flavor.

On February 13, 1912, the defendant entered a plea of guilty, and was fined \$100 and costs, this being a second offence.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 18, 1912.

1605



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1606.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED CASTOR OIL.

On February 6, 1912, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles H. Adams Co. (Ltd.), a corporation, New Orleans, La., alleging shipment by it, in violation of the Food and Drugs Act, on or about January 30, 1911, from the State of Louisiana into the State of Texas, of a quantity of so-called castor oil, which was adulterated and misbranded. The product was labeled "Cooper Brand Castor Oil," and in inconspicuous type, "Castor oil, about 33%, Cottonseed oil, about 67%, Guaranteed by Charles H. Adams Co., Ltd., Serial No. 4048, New Orleans."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Iodin value, 108.8; acetyl value, 62.25; solubility in 85 per cent alcohol and high acetyl value shows the presence of castor oil. Cottonseed oil present as shown by the Halphen reaction. The amount of castor oil present is approximately 33.5 per cent, of cottonseed oil, approximately 66.5 per cent. Adulteration was alleged for the reason that the product was sold under and by a name recognized in the United States Pharmacopœia or National Formulary, that is, as castor oil, and said product differed from the standard of strength, quality, and purity of castor oil, as determined by the test laid down in said Pharmacopœia or Formulary, which was official at the time of shipment, and that the standard of strength, quality, and purity of the product was not plainly stated upon the container thereof, and that the use of the label in small and inconspicuous type stating

that the product consisted partly of castor oil and partly of cottonseed oil, following the statement made in large and conspicuous type that the drug was castor oil, was likely to be unnoticed by the purchaser, and was not sufficient to correct the statement so made in large and conspicuous type, that the product was castor oil, when in truth and in fact it was not, and the product was further adulterated in that its strength and purity fell below the professed standard of quality under which it was sold, namely, as castor oil, whereas in truth and in fact it was not castor oil, but a mixture of castor oil and cottonseed oil, the larger portion of which was cottonseed oil. Misbranding was alleged for the reason that the label on the product was false and misleading, in that it stated in large and conspicuous type that the product was castor oil, which was false and misleading, and untrue, and that the remaining portion of the label purporting to show that the product consisted partly of castor oil and partly of cottonseed oil was in much smaller and more inconspicuous type, which was likely not to be noticed by the purchaser, and was not sufficient to correct the false statement contained in the first part of the label, in which it was stated in large and conspicuous type that the product was castor oil.

On February 13, 1912, the defendant corporation entered a plea of guilty, and the court imposed a fine of \$10 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 18, 1912.

1606



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1607.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO PULP.

On December 15, 1911, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 71 barrels, 100 barrels, 119 barrels, 1,400 cans, 100 barrels, and 120 barrels of tomato pulp, remaining unsold and in the original unbroken packages, and in the possession of the Railway Terminal and Warehouse Co. and the West Side Warehouse Co., Chicago, Ill., alleging that the 71 barrels had been shipped on September 22, 1911, by the Star Canning Co., Austin, Ind., and transported from the State of Indiana into the State of Illinois; that the 100 barrels (lot 1) had been shipped by said Star Canning Co. on October 6, 1911, from the State of Indiana into the State of Illinois; that the 119 barrels had been shipped on November 23, 1911, by the John Blaul's Sons Co., a corporation, Burlington, Iowa, from the State of Iowa into the State of Illinois; that the 1,400 cans had been shipped on October 30, 1911, by the Kokomo Canning Co., a corporation, Kokomo, Ind., from the State of Indiana into the State of Illinois; that the 100 barrels (lot 2) had been shipped on November 16, 1911, by the Van Camp Packing Co., a corporation, Indianapolis, Ind., from the State of Indiana into the State of Illinois; and that the 120 barrels had been shipped on November 23, 1911, by the said John Blaul's Sons Co. from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the various libels for the reason that said product consisted in part of a filthy and decomposed vegetable matter.

On March 1, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product covered by all the libels should be destroyed by the United States marshal, and that the barrels containing the same should be sold.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 18, 1912.*

1607



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1608.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TURPENTINE.

On December 15, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel of turpentine, remaining unsold and in the original unbroken package and in the possession of F. B. Chamberlain Co., a corporation, St. Louis, Mo., alleging that the product had been shipped on or about November 16, 1911, by the Carolina Pine Products Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "St. Louis Transfer Co., St. Louis, Mo., St. Louis Co. For a/c Carolina Pine Products Co., Gross 407—Tare 60." "Carolina Pine Products Co., St. Louis Turpentine. S. L. Not for medicinal use. The Standard of Quality and Purity of the Turpentine contained in this package is guaranteed and sold in accordance with the following chemical analysis: Specific Gravity—0.862 or $32\frac{1}{2}^{\circ}$ B. Distillation percentage under 300° F. None Distillation percentage under 363° F 80 to 90% Percentage Unpolymerizable—25 to 35% Flash Point— 100° F. Warning This label must be defaced or destroyed before this package is again used. Any disregard of this warning will be prosecuted to the full extent of the law. Carolina Pine Products Co."

Adulteration was alleged in the libel for the reason that the product contained at least 10 per cent of mineral oil which had been substituted for turpentine, and the strength and purity of said product

thereby and by reason thereof fell below the professed standard or quality under which said product was sold; and it was further adulterated in that it was sold as pure spirits of turpentine for medicinal use, and was intended for such use by the purchaser thereof, whereas the product in its strength and purity fell below the professed standard and quality under which it was sold, to wit, pure spirits of turpentine for medicinal use, in that it contained at least 10 per cent of mineral oil, which had been substituted for turpentine.

Misbranding was alleged for the reason that the product was labeled "Turpentine", and was invoiced and sold as spirits of turpentine, which label and brand was false and misleading in that the product was not turpentine or spirits of turpentine, but, on the contrary, it contained at least 10 per cent of mineral oil, and consisted of a mixture of turpentine and mineral oil, and it was further misbranded in that, being a drug and being a mixture of turpentine and mineral oil, it was an imitation of and was offered for sale under the name of another article, to wit, spirits of turpentine.

On February 6, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 18, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1609.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EVAPORATED MILK.

On January 11, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 650 cases of milk, 250 of which each contained six dozen retail cans, 100 of which each contained four dozen retail cans, "family size", and 300 of which each contained four dozen retail cans, "tall size", remaining unsold, in the original unbroken packages, and in the possession of the Scudders-Gale Grocer Co., a corporation, of St. Louis, Mo., alleging that the product had been shipped on or about January 4, 1912, from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled, in part: (On cases) "Every day brand pure milk. Unsweetened, sterilized, evaporated milk," and "6 dozen baby size." For Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Every day brand evaporated milk. Prepared by the John Wildi Evaporated milk Co., Highland, Ill., U. S. A. Guaranteed under Food and Drugs Act, June 30, 1906, No. 17431." (On cans) "Every day Brand evaporated milk. Made at Marysville, Ohio, by the John Wildi Evaporated Milk Co., Highlands, Illinois, U. S. A." (Guaranty legend) "No. 17431. This milk has been produced under strict sanitary rules, is unadulterated, evaporated to a cream like consistency, and sterilized. Every day brand pure milk. Unsweetened, sterilized, evaporated milk. For Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday. This article may be used either undiluted or slightly diluted for coffee, cocoa, on fruits, cereals,

etc. Full directions for infant feeding will be cheerfully furnished on application."

Misbranding was alleged in the libel for the reason that the labels on the product bore statements regarding it which were false and misleading, to wit, "evaporated milk" which statements were false and misleading, in that the product had not been sufficiently reduced and evaporated to entitle it to be called evaporated milk.

On January 16, 1912, the John Wildi Evaporated Milk Co., a corporation, having entered its appearance and claimed the property, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of all costs by said claimant, and the presentation of bond by it in conformity with section 10 of the Act, fixed by the court at \$2,000, the 623 cases of the product that had been seized should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 18, 1912.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1610.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF SODARINE.

On November 17, 1911, the United States Attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels against 105 and 60 cases of Sodarine remaining unsold in the original unbroken packages, the 105 cases remaining in the premises of a certain warehouse at the corner of South Front Street and Georgia Avenue, Memphis, Tenn., the 60 cases in a certain warehouse corner of Carolina Avenue and I. C. R. R., Memphis, Tenn., alleging that the product had been shipped by the Sea Gull Specialty Co., Baltimore, Md., from the State of Maryland into the State of Tennessee, 80 cases on or about September 5, 1911, 25 cases on or about September 18, 1911, 25 cases on or about September 26, 1911, and 35 cases on or about September 28, 1911, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Bi-Carb-Sodarine. A wonderful leavening preparation—Sodarine—Better than Soda—Better than other bread preparations. Ingredients: Sodium, aluminum sulphate, corn starch, sodium bicarbonate, Available carbonic acid gas when packed 16.66%—net weight not less than 16 oz.—(L. G.) The Sea Gull Specialty Co., Baltimore, Md."

Misbranding was charged in the libel for the reason that the product was alleged to have been an alum baking powder and to have contained a large quantity of alum, while the labels and brands on the packages of the product declared it to have been entirely different from and superior to the leavening agents ordinarily used, and for the further reason that the labels on the packages containing the product proclaimed that it was entirely different and superior to any other leavening agents, when it was an alum baking powder, and that the labels on the product were misleading and calculated to deceive the purchaser thereof.

On or about December 7, 1911, the Sea Gull Specialty Co., Baltimore, Md., claimant, demurred to the libel, and on January 16, 1911, the cause having come on to be heard before the court, the libel was dismissed with costs. The opinion of the court (McCall, J.) follows:

The only thing that I can deduct from the label complained of in this proceeding is that the manufacturers thereof state that their leavening preparation was better than soda and better than any other bread preparations. I do not think that the act was intended to include within its condemnation such a label or publication. The result is that the demurrer will be sustained and the libel dismissed with costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1911.*

1610



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1611.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On November 6, 1911, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 702 boxes of macaroni remaining unsold in the original unbroken packages and in the possession of A. Magnano, Seattle, Wash., alleging that the product had been shipped from the State of California into the State of Washington, 142 boxes on or about September 20, 1911, 185 boxes on or about October 4, 1911, and 375 boxes on or about October 17, 1911, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Premiato Stabilimento Di Paste Alimentare Sopraffine, 11 Sole Di Napoli," and on said label also appeared a picture of a volcano and an Italian village.

Misbranding was alleged in the libel for the reason that the general appearance and design of the label on the product purported to show that it was a foreign product and of foreign manufacture, whereas in truth and in fact it was produced and manufactured in the State of California.

On November 23, 1911, the Piedmont & Napolitan Paste Co. filed their claim and answer. On November 25, 1911, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of the costs of the proceeding by said claimant and the presentation of bond by it in conformity with section 10 of the Act, fixed by the court at \$750, the product should be released and delivered to said claimant.

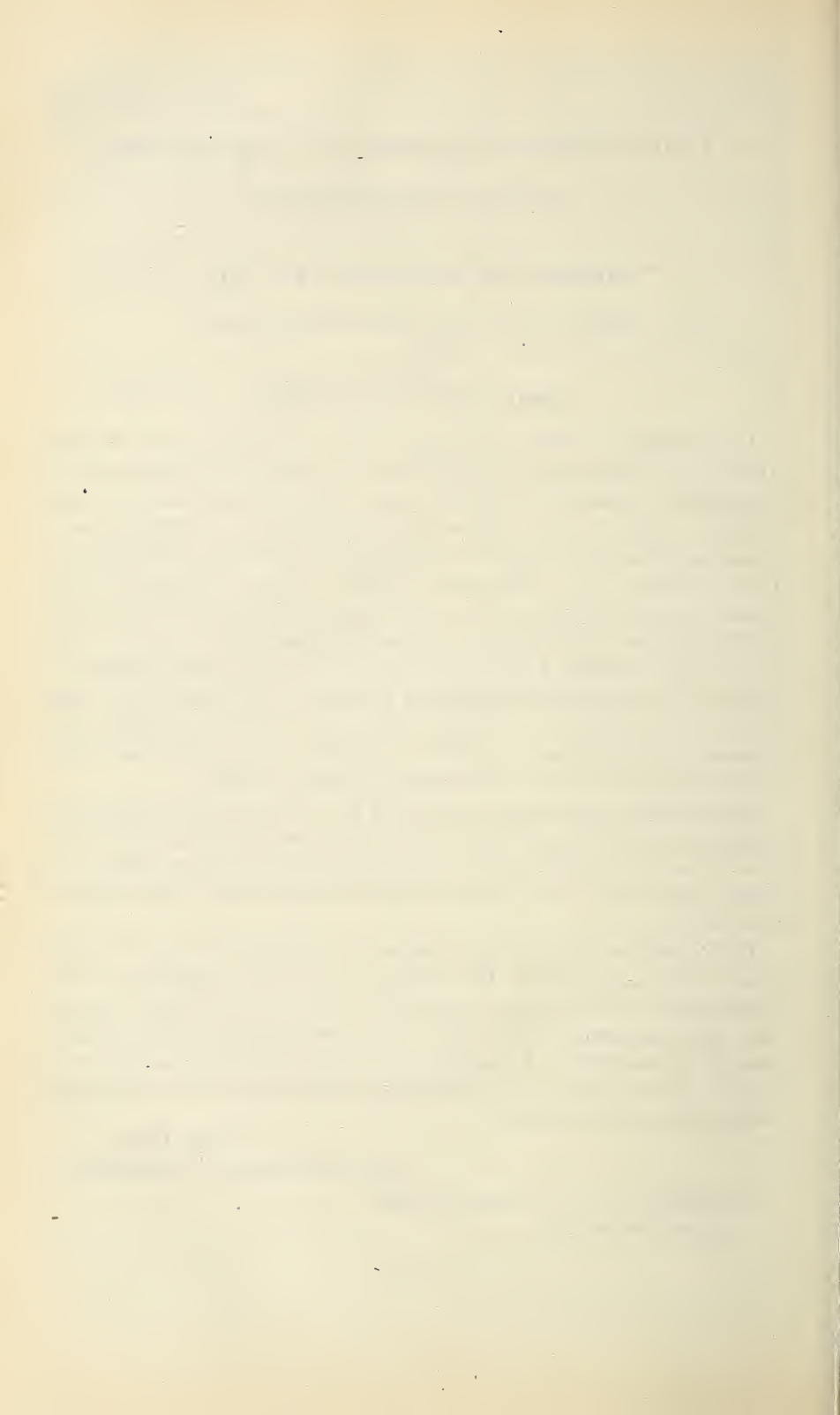
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1912.*

51101°—No. 1611—12





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1612.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GERMAN GRITS.

On January 17, 1912, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags of German grits remaining unsold in the original unbroken packages and in the possession of Hyman Sachs, Louis Glass, and Max Udelowish, partners doing business as the Standard Grocery Co., Chicago, Ill., alleging that the product had been shipped on December 16, 1911, by A. Pepp & Sons Co., a corporation, Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "German Grits Number 1, for Standard Grocery Co., Chicago, Ill., from A. Pepp and Sons, Millers, 837-39 Washington Ave., Philadelphia, Pa."

Misbranding was alleged in the libel for the reason that the labels on the product purported to state that it was a foreign product manufactured in the Empire of Germany, whereas, as a matter of fact, it was manufactured in the city of Philadelphia, State of Pennsylvania, and was not a foreign product.

On February 13, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the marshal and relabeled by the purchaser.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1912.*

51101°—No. 1612—12



THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN RICHARDSON

OF THE

UNIVERSITY OF

OXFORD

IN TWO VOLUMES

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1613.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SORGHUM SYRUP.

On January 26, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 55 cases, 30 of which contained 24 unit packages, 15 of which contained 12 unit packages, and 10 of which contained 6 unit packages, of syrup, remaining unsold in the original unbroken packages and in possession of H. P. Lau Co. (Inc.), Lincoln, Nebr., alleging that the product had been shipped on or about December 5, 1911, by Oelerich & Berry Co., Chicago, Ill., and transported from the State of Illinois into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act. The product was labeled, in part: "Greenfield Brand Compound Sorghum. Packed for H. P. Lau Company, Lincoln, Neb.", and "Compound. 40% Sorghum. 60% Corn Syrup."

Misbranding was alleged in the libel for the reason that the principal and most conspicuous label on each of the packages of the product, to wit, "Greenfield Brand Compound Sorghum, Packed for H. P. Lau Company, Lincoln, Neb." was misleading in that it conveyed the impression to purchasers that the product consisted chiefly of sorghum syrup, whereas, in fact, it contained but 40 per cent of sorghum and did contain 60 per cent of corn syrup.

On March 5, 1912, the Oelerich & Berry Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that, upon payment of all costs by said claimant and the execution and delivery of bond by it in conformity with section 10 of the Act, the product should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 19, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1614.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PAPRIKA.

On February 8, 1912, the United States Attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel purporting and represented to contain pure paprika, remaining unsold in the original unbroken package within the premises of the Houston Packing Co., a corporation, Houston, Tex., alleging that the product had been shipped on or about October 10, 1911, by McCormick & Co., Baltimore, Md., and transported from the State of Maryland into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Pure Paprika imported and Packed by McCormick and Company, Baltimore, Md. Paprika 269-21-238. The spices contained in this package are strictly pure. (Guaranty legend No. 1417) McCormick and Co. Importers and Grinders Baltimore U. S. A. Paprika—3945-10-T and N. O. Houston 8-Houston Packing Co., Houston, Texas."

Adulteration was alleged in the libel for the reason that there had been added and mixed with the product coal-tar dye which detracted from the strength and value of said product. Misbranding was alleged for the reason that the product was labeled "Pure Paprika," whereas, in fact, it was artificially colored with coal-tar dye in a manner whereby inferiority was concealed, the container or label bearing no indication of the presence of any artificial coloring matter, the said coal-tar dye added as coloring matter being a cheaper substance and mixed in such a manner that the inferiority of the product

was concealed and with a purpose of imitating, and did imitate, pure paprika.

On March 1, 1912, no claimant having appeared for the product, which was found by the court to have been adulterated, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1912.*

1614



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1615.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS IN SHELL.

On March 4, 1912, the United States Attorney for the District of Columbia filed in the Supreme Court for said District, holding a district court, a libel for the seizure and condemnation of 550 bushels, more or less, of oysters in shell, remaining unsold and in possession of Richard C. Miller, upon the sloop *Majestic*, Eleventh Street Wharf, Washington, D. C., alleging that the product had been transported from the State of Virginia into the District of Columbia, date of shipment not shown, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, for which reason said product was absolutely unfit for human consumption.

On March 7, 1912, Richard C. Miller, claimant, having consented to a decree, and having paid the costs of the proceedings, judgment of condemnation and forfeiture was entered and it was further ordered that, upon the execution and delivery of bond by said claimant in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1912.*

51101°—No.1615—12



